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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Third periodic reports of States parties

Uganda*

* The present report is being issued without formal editing. For the initial and second reports submitted by the Government of Uganda, see CEDAW/C/UGA/1-2 and Add.1, considered by the Committee at its fourteenth session.

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ACRONYMS AND ABBREVIATIONS

ACFODE	Action for Development
AIDS	Acquired Immuno-deficiency Syndrome
ANC	Antenatal Care
CAO	Chief Administrative Officer
CEEWA	Council for Economic Empowerment for Women in Africa
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CPR	Contraceptive Prevalence Rate
DGWS	Department of Gender and Women Studies
EDF	European Development Fund
FAL	Functional Adult Literacy
FAO	Food and Agricultural Organization
FEMRITE	Female Writers Association
FHRI	Foundation for Human Rights Initiative
FIDA	Federation International de Abogadabos (Federation of Uganda Women Lawyers)
FINCA	Foundation for International Community Assistance
FOWODE	Forum for Women in Democracy
GDP	Gross Domestic Product
HIV	Human Immuno-deficiency Virus
ISIS-WICCE	ISIS - Women's International Cross-Cultural Exchange
LAP	Legal Aid Project
LC	Local Council
MGLSD	Ministry of Gender, Labour and Social Development
MoES	Ministry of Education and Sports
MoFA	Ministry of Foreign Affairs
MoH	Ministry of Health
NAWJ	National Association of Women Judges
NAWOU	National Association of Women Organizations in Uganda
NGOs	Non-Governmental Organizations

NLTPS	National Long Term Perspectives Studies
NSARWU	National Strategy for the Advancement of Rural Women in Uganda
PAP	Poverty Alleviation Project
RC	Resistance Committee
RDC	Resident District Commissioner
REACH	Reproductive, Educative and Community Health Project in Kapchorwa District
RUWASA	Rural Water and Sanitation
STD	Sexually Transmitted Disease
SUPER	Support to Universal Primary Education Reform
TFR	Total Fertility Rate
UAUW	Uganda Association of University Women
UDHS	Uganda Demographic and Health Survey
UEB	Uganda Electricity Board
UGRC	Uganda Gender Resource Centre
UHRC	Uganda Human Rights Commission
UMWA	Uganda Media Women Association
UN	United Nations
UNICEF	United Nations Children's Fund
UNFPA	United Nations Fund for Population Activities
UPE	Universal Primary Education
UWFT	Uganda Women's Finance Trust
UWONET	Uganda Women's Network
WID/DAN	Women in Development / DANIDA

Part One
Uganda: A country profile

PHYSICAL FEATURES

Uganda, the cradle of the great River Nile which runs northwards for over 6,400 kms through Sudan and Egypt, lies astride the equator. The country shares borders with Kenya in the East, the Democratic Republic of Congo in the West, Sudan in the North and Tanzania and Rwanda in the South. It has a surface area of 240,000 sq. km of which 50,000 sq. km is open water and swamp while 10,000 sq. km is forest. The average altitude of the land is 1,200 m, but with mountain peaks of Mt. Elgon in the East at 4,321m, Mt. Rwenzori in the West at 5,119 m and Mt. Muhavura in the South at 4,127 m.

Lake Victoria, the second largest lake in the world, lies in the South. The rest of the country is open grassland giving way to semi-desert in the North Eastern region of Karamoja. The temperature ranges between 5 and 32 ^{0}C in the Karamoja semi-arid region during the dry season. Temperatures do not vary greatly except in the mountainous regions. Minimum temperatures occur in July and August, while the maximum generally occur in February. Variations elsewhere depend on altitude and proximity to Lake Victoria.

THE POPULATION

In 1999, Uganda's population is estimated to be 20.4 million, based on the current population growth rate of 2.5% per annum. Table 1 below represents demographic indicators. It shows that whereas women have a higher life expectancy, they have lower literacy rates.

Table 1. Projected demographic indicators for Uganda, 1998

Population	20.4 million
Female	10.4 million
Male	10 million
Rural population	85.6%
Urban population	14.4%
Female life expectancy	50.5 years
Male life expectancy	45.7 years
Annual population growth rate	2.8%
Crude birth rate	50%
Crude mortality rate	17%
Literacy rate (females)	50.2%
Literacy rate (males)	73.2%
Income per capita	US$ 320

Source: Uganda Human Development Report 1998; Women and Men in Uganda: Facts and Figures 1998

Uganda is composed of 56 different indigenous communities. These are grouped into four major ethnic groups; the Bantu, the Nilotics, the Nilo Hamites and people of Sudanic origin. The Bantu include among others the Banyankole, Bakiga, Banyoro, Batooro and Baganda in the South, the Bagisu and Basoga in the East. The Nilotics, a Luo speaking grouping, include the Acholi, Langi and Alur in the North and the Jopadhola in the East. The Nilo Hamites comprise the Iteso and Karimojong in the North East while the people of Sudanic origin include, among others, the Lugbara and Madi in the North West.

THE ECONOMY

Uganda is predominantly an agricultural based economy. Agriculture contributes 51% of the GDP; industry 10%, and manufacturing 4%. Agriculture contributes about 90% of export earnings and employs 80% of the labour force.

The structure of the economy has major implications for women as they produce 80% of the food and provide 70% of the agricultural labour force. However, it is worth noting that there has been transformation. Women are moving from being principally confined to the unpaid subsistence sector, to paid employment in the commercial and industrial sector. A large percentage is however still engaged in the non-monetary subsistence sector.

In 1987, the Government embarked on the economic recovery programme, which includes the promotion of prudent fiscal and monetary management, the improvement of incentives to the private sector, liberalization of the economy and development of human capital through investment in education and health. In addition the Government started a process of privatizing parastatals, liberalizing the foreign exchange control and encouraging private sector participation in infrastructural development.

With respect to public enterprises, the Government sought to reduce its role in commercial ventures through privatization and commercialization of the few that it decided to retain. A majority of the public enterprises have been privatized, and the Government's focus now is to ensure better management standards to improve profit earning and to reduce costs for those institutions under its control. In response to the civil service's disintegration, the NRM Government created the civil service reform programme with the following aims:

- the rationalization of government ministries;
- the strengthening of capacity to manage change;
- salary enhancement and the introduction of a minimum living wage ;
- elimination of corruption;
- introduction of results oriented management.

Public sector reform also targeted the local governments through the process of decentralization. One of the primary objectives of the policy is the strengthening of local governments. Through decentralization local communities would have the ability to govern themselves and mobilize their own resources. Decentralization also would contribute to the programme of poverty eradication by addressing the lack of self determination, planning skills, effective leadership, information, gender sensitivity, organizing competence and efficient service delivery systems at local government level.

More recently, the Government concluded the National Long Term Perspective Studies (NLTPS) Uganda Vision: 2025 Project. This multi-dimensional and multi- disciplinary participatory approach exercise has formulated a shared goal for long term sustainable development for the country.

Since 1997, there is evidence of the Government's efforts. There has been an average annual growth rate of 6.5%, a decrease in infant mortality from 122 per 1000 live births to 97 per 1000, and a rise in educational enrolment from 60% to 80%. When the NRM Government came to power in 1986, inflation was at 240%, but has since dropped to less than 10%. Government revenue collection has also improved. In 1990/91 when the Uganda Revenue Authority (URA) was established, only 135.95 billion Uganda shillings were collected in taxes. In 1994/95, the URA collected 522.23 billion.

Despite these successes, there have been various factors that have had a significant impact on the Government's efforts to improve the political, social and economic conditions. For instance, some areas of northern and western Uganda continue to experience insecurity as a result of civil strife. This has forced the Government to concentrate on securing peace and stability in these areas.

The Government faces the challenges of the HIV/AIDS epidemic. This continues to drain the productive sector of Uganda's population as an increasing number of adults die while still in their prime. The structural adjustment programmes, which have been part of the Government's economic recovery programme, have also had a social cost in that they are based on a long term perspective of development. The immediate impact, however, has exacerbated poverty among the most vulnerable groups in society. Despite these challenges however, the Government continues to work at economic and public sector reform to improve the quality of life of Ugandans.

THE POLITICAL SYSTEM

At the time of presenting the *Addendum* to the *Initial and Second Report by the Uganda Government on the Implementation of CEDAW* in February 1995, Uganda was in the process of writing a new Constitution. The Constitution was promulgated in October 1995, bringing in changes to Uganda's political system. It is credited as being one of the

most gender sensitive constitutions on the continent. Article 69(1) and (2) of the Constitution provides for a political system of people's own choice through free and fair elections or referenda. There is the Movement political system, the Multiparty political system, and any other democratic and representative political system. Elections were held in 1996; presidential in May and parliamentary in June, under the Movement system.

The Movement political system is broad based, inclusive, non-partisan and conforms to participatory democracy. Articles 70 and 71 of the Constitution guarantee among others, equal access to all positions of leadership for all citizens. On the basis of these guarantees, other laws and policies on governance have ensured the participation of women. One example is the Local Government Act 1997 (see Article 4 of this report).

There is a transitional provision in the Constitution which requires the country to continue with the Movement system of governance for five years. Within this time there is to be a referendum to determine the next system of governance. At the time of reporting, preparations for conducting the referendum were on-going.

THE LEGAL SYSTEM

The Constitution provides for the legal existence of an independent Judiciary and the separation of powers of the executive, judicial and the legislative arms of the Government.

The laws applicable in Uganda include statutory law, case law, common law and doctrines of equity. Statutory law takes precedence over any other. Customary law only applies in the absence of statutory and case law. The Constitution provides that any customs that are contrary to the human rights principles enshrined in the Constitution are null and void. Article 2(2) provides that:

> ***"If any other law or any custom is inconsistent with any of the provisions of this Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void."***

Uganda has a dual court system; formal and informal. The informal system was established by the Resistance Committees (Judicial Powers) Statute 1987*. The formal system, on the other hand was established by the Constitution (see Fig. 1).

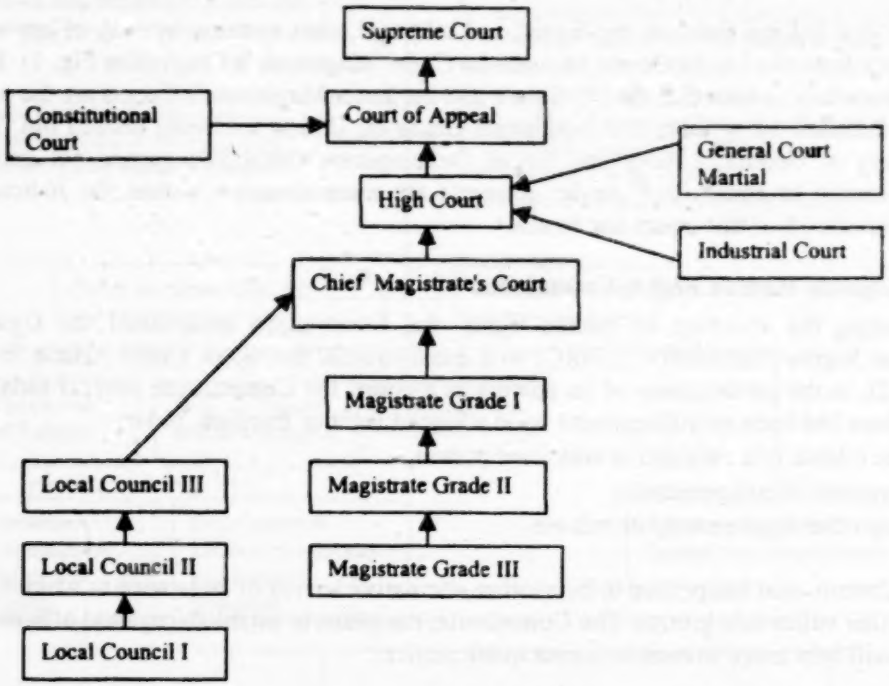
The hierarchy of the informal court system starts at the village level. The Local Council (LC) Court, comprises of between five and nine members, and is given limited powers to try some specified cases, for example domestic matters and petty thefts.

* Resistance Committees are now called Local Councils.

GOVERNMENT INSTITUTIONS THAT PROMOTE AND PROTECT THE ADVANCEMENT OF WOMEN

The Court System in Uganda

Fig. 1 The Uganda court system structure



N.B. The Uganda Human Rights Commission holds court sessions as a watch dog on human rights.

The formal court system has Magistrate Grade II Courts at sub-county level, Magistrate Grade I Courts at county level and the Chief Magistrate's Courts at district level. The Grade II Courts also function as Family and Children's Courts as provided by Sections 14 and 16 of the Children Statute 1996.

Further up the ladder is the High Court with regional representation followed by the Court of Appeal and the Supreme Court at national level. There are also special courts which include the General Court Martial, the Industrial Court, and Land Tribunals. The General Court Martial was revived in 1987. This deals with only cases involving

military personnel. Similarly, the Industrial Court handles matters regarding employer and employee relationships, trade union matters and any such matters arising from an industrial dispute.

The Court of Appeal doubles as the Constitutional Court. Apart from addressing appeals from the High Court, as a court of first instance, it addresses matters of interpretation of the Constitution.

There is a linkage between the formal and informal court systems by way of appeals. Appeals from the LC III Courts lie with the Chief Magistrate's Court (See Fig. 1). It is also important to note that the LC Courts and the lower Magistrate's Courts are the ones most accessed by women. Yet Magistrate Grade III Courts are being phased out. The Ministry of Gender, Labour and Social Development (MGLSD) carries out gender sensitization to ensure that gender concerns are main-streamed within the Judiciary. (See Article 15 of this report for details.)

The Uganda Human Rights Commission

Regarding the violation of human rights, the Constitution established the Uganda Human Rights Commission (UHRC) with quasi-judicial functions. Under Article 53 (1) and (2), in the performance of its powers as a court, the Commission may, if satisfied that there has been an infringement upon a human right or freedom, order:

- the release of a detained or restricted person;
- payment of compensation;
- any other legal remedy or redress.

The Commission has proved to be another alternative source of assistance to women and other vulnerable groups. The Commission has plans to establish regional offices. This will help more women to access quick justice.

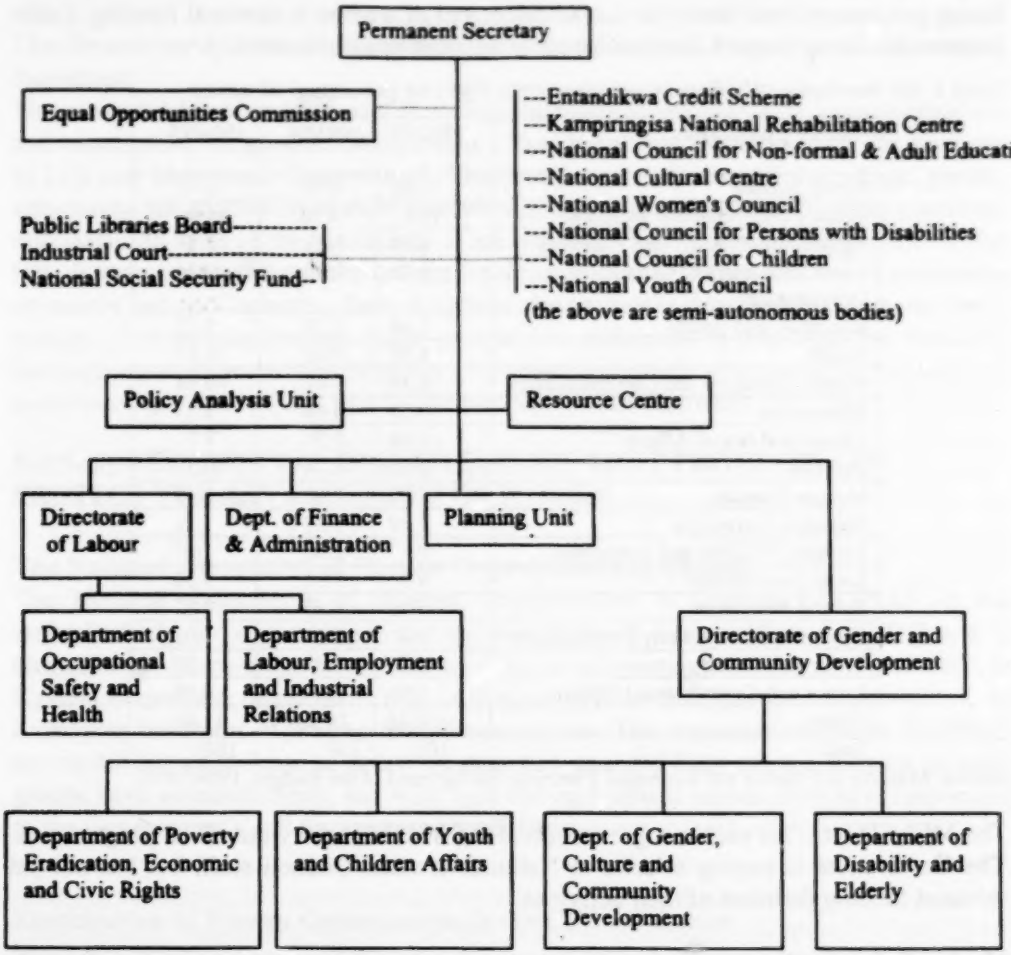
Ministry of Gender, Labour and Social Development

The MGLSD is the national machinery for advancement of women and gender main-streaming. Its mission is the promotion of employment, labour productivity, industrial peace, protection of rights and freedom and empowerment of communities, particularly the illiterate, marginalized and vulnerable groups. It ensures that these communities realize and harness their potential for sustainable and gender responsive development through social transformation. Figure 2 shows its macro-structure and multi-sectoral functions.

The Ministry has adopted a participatory approach where the target beneficiaries participate in the planning, implementation, monitoring and evaluation of its

programmes. This is the underlying policy of the process of gender-sensitization and main-streaming gender concerns as elaborated in Article 2 of this report.

Fig. 2 Ministry of Gender, Labour and Social Development approved macro-structure


Permanent Secretary
Equal Opportunities Commission
---Entandikwa Credit Scheme
---Kampiringisa National Rehabilitation Centre
---National Council for Non-formal & Adult Education
---National Cultural Centre
---National Women's Council
---National Council for Persons with Disabilities
---National Council for Children
---National Youth Council
(the above are semi-autonomous bodies)
Public Libraries Board----------
Industrial Court----------
National Social Security Fund--
Policy Analysis Unit
Resource Centre
Directorate of Labour
Dept. of Finance & Administration
Planning Unit
Department of Occupational Safety and Health
Department of Labour, Employment and Industrial Relations
Directorate of Gender and Community Development
Department of Poverty Eradication, Economic and Civic Rights
Department of Youth and Children Affairs
Dept. of Gender, Culture and Community Development
Department of Disability and Elderly

N.B It must be noted that restructuring of ministries is on-going, and many other bodies shall be established that aim at improving the status of Ugandan women. These include the Equal Opportunities Commission, which is to be established as soon as funds are made available.

Funding of the National Machinery

Funds from the Ministry of Finance for women programmes are channelled through the MGLSD, while local authorities (districts) have been advised to budget for women programmes in their decentralized budgets. However, one of the major constraints facing government machinery for the advancement of women is minimal funding. Table 2 shows the Government's distribution of its finances to all ministries.

Table 2 The development budget by ministry, 1992-1995 (by percentage of totals)

Ministry/Institution	1992/93	1993/94	1994/95
Public Service	0.82	0.91	0.96
Finance and Economic Planning	18.2	19.38	14.4
Agriculture, Industry and Fisheries	6.59	6.28	7.8
Lands, Housing and Urban Development	1.28	0.85	0.24
Education and Sports	9.44	5.29	9.73
Health	4.99	5.09	10.91
Works, Transport and Communication	6.49	7.02	10.48
Information	0.39	0.64	1.55
Labour and Social Affairs	0.68	0.56	0.5
Defence	6.59	8.34	0.5
Mulago Hospital	1.92	1.36	2.42
Makerere University	2.38	1.87	1.32
Tourism, Wildlife and Antiquities	0.17	2.83	1.67
Local Government	9.8	9.11	9.34
Natural Resources	7.09	6.65	10.87
Gender and Community Development	0.21	2.31	1.08
Trade and Industry	2.56	3.69	6.22
Justice and Constitutional Affairs	1.56	2.89	0.06
Others	18.84	14.93	11.46
Total	100	100	100

Source: Ministry of Finance and Economic Planning, Background to the Budget, 1994/1995.

The MGLSD receives such meagre resources that it cannot carry out all its programmes. The Government is paying salaries to National Women Council staff, but has not yet released funding for most of their activities.

Much of the funding to the national machinery is from donor agencies such as DANIDA and UNICEF. The preparation of this report was supported by UNICEF (initial stages of data collection, compilation and editing). Final editing and production of copies for dissemination was funded by DANIDA.

The National Women's Councils

The National Women's Councils Statute, 1993, established the women's councils. In line with the LC structure, the women's council is a six-tier structure beginning at the

village level, through the district, up to the national level. The councils are local fora for women through which they are mobilized for civic and development activities in their local areas. Through the councils, women are empowered to co-ordinate their activities and communicate their specific needs to the various levels of community planning.

The Directorate of Mass Mobilization, Gender and Interest Groups in the Movement Secretariat

This was established in 1998, and is actively involved in politicization, conscientization and sensitization on gender related issues. The Directorate works through the structure of LCs and Movement Committees*. The Secretary for Women at the village, parish, sub-county and district level mobilizes women and acts as their mouth piece whenever necessary. In spite of the limitations of the Secretaries for Women, they have over the last 10 years mobilized women groups for development activities and raised awareness on gender issues. Currently, there is at least one women's development group in every district. It is mainly through these groups that assistance is provided for women's developmental projects. The Ministry of Finance has made allocations in the form of conditional grants to all districts for Women and Youth Councils.

NON-GOVERNMENTAL ORGANIZATIONS THAT PROMOTE AND PROTECT THE ADVANCEMENT OF WOMEN

The National Association of Women Organizations in Uganda

The National Association of Women Organizations in Uganda (NAWOU) is the umbrella body for women organizations in Uganda. It was established in 1993 and is charged with the co-ordination of the activities of all women NGOs, groups and clubs in Uganda (there are more than 300). All these NGOs and groups are committed to improving the status of women in different sectors. The organizations under NAWOU are mobilized as groups, co-operative societies and self help units. Women in such groups have accessed credit, and with land and agricultural inputs, they have responded to the Government's call for increased production.

Participation of Women Organizations in the CEDAW Report

The MGLSD takes responsibility for the preparation of the Country Status Report on CEDAW. In preparing this report the Ministry consulted several government departments and women organizations. This began with the request for organizations to

*There is a Movement Committee at each LC level, charged with articulating Movement policies and programmes

provide relevant information for the report. When a draft report was ready, the organizations were invited to a validation meeting at which they commented on the draft. After inserting the comments the Ministry organized a National Consensus Workshop and presented the final version of the report to all stakeholders, including women organizations. The Appendix shows the departments and organizations involved in the preparation of this report.

Ratification and Implementation of CEDAW

Uganda ratified CEDAW in July, 1985 without any reservations. Since then, the Government submitted the *Initial and Second Report by the Uganda Government on the Implementation of CEDAW* (in this document to be referred to as the *Initial and Second Report*) followed by an *Addendum* in February, 1995. The Government has continued to rally support for its implementation in the legal, social, economic and political fields.

Although the function to ensure compliance with international treaties lies with the UHRC, the MGLSD as the national machinery for advancement of women and gender main-streaming, is responsible for the preparation of the Country Status Report on CEDAW. In so doing, it has had to monitor the implementation of the convention by the various government institutions, as well as spearheading the dissemination of the convention and the Country Status Report through the publication of booklets and through sensitization.

The promotion of affirmative action in the legal, educational, economic and political fields, the constitutional commitment to the advancement and respect of women's rights as well as the approval of the National Gender Policy, are clear indicators of the Government's commitment to the emancipation of women. The remaining obstacle is financial commitment.

Monitoring and Evaluation Process on CEDAW

Uganda has ratified a number of conventions and has monitored them through writing reports to the United Nations General Secretary. Having signed and ratified CEDAW in 1985, the Government of Uganda is committed to its implementation. This Country Status Report is based on information generated from comprehensive questionnaires and workshops. The UHRC is mandated to monitor the Government compliance with international conventions, including CEDAW, but as it has just been established, it does not yet have sufficient capacity to execute this function fully.

Part Two

Report under the specific Articles of the Convention

ARTICLE 1

DEFINITION OF DISCRIMINATION

The CEDAW *Initial and Second Report* was submitted when Uganda was still under the 1967 Constitution. Therefore sex was not listed as one of the prohibited grounds for discrimination. Through lobbying and the contribution of women to the new Constitution, sex was included in the discrimination clause of the 1995 Constitution. Article 21(3) gives a broad definition of discrimination and provides as follows:

For purposes of this Article:

"To discriminate means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed, or religion, or social or economic standing, political opinion or disability."

In view of the above provision, it is evident that the Constitution, as the supreme law in Uganda, recognizes equality and takes into consideration all interest groups at all levels. Since the submission of the *Initial and Second Report*, Uganda has made bold steps in articulating its commitment to the protection of women's rights and addressing gender issues in the Constitution.

In all statutes prior to the 1995 Constitution and according to statutory interpretation, the word "he" was interpreted to include "she." However, the position has changed with the coming into force of the 1995 Constitution which makes use of words such as: "all Ugandans," "every person," "men and women" or "he or she." The careful and

intentional gender inclusive language of the Constitution is attributed to delegates who participated in the Constituent Assembly debate to cater for the interests of women. However there is still a need to review the existing laws to put them in consonance with the Constitution. For example domestic laws, Penal Code Act Section 150, defilement, rape and adultery. It still remains a matter of statutory interpretation and to the courts of law to enforce the constitutional language. The legal framework for ensuring protection of human rights and fundamental freedom in Uganda as enshrined in the Constitution has been improved to reflect equality between men and women. It should be observed that whereas in the new Constitution there are positive provisions, it is still too early to celebrate their application as the law enforcement organs are adjusting to meet the constitutional principles. Moreover, economic, social and cultural constraints still hinder the full realization of women's equality.

ARTICLE 2

THE OBLIGATION OF THE STATE TO ELIMINATE DISCRIMINATION

Considering the position at the time of submitting the *Initial and Second Report*, the Government of Uganda has made further progress in observing the requirements of Article 2 of the Convention. Apart from barring discrimination on the ground of sex, the Constitution recognizes equality before the law and equal protection of the law. The Constitution in Article 21 (1) and (2), states that:

"All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law."

It further states in Article 21(2) that:

"Without prejudice to clause (1) of this Article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion or social or economic standing, political opinion or disability."

The Government of Uganda is still in the process of translating the constitutional principles barring discrimination, into domestic legislation. The Uganda Law Reform Commission has made considerable progress towards amending the personal laws, which mainly impact negatively on women and girls. To date, the Domestic Relations Bill and the Sexual Offences Bill exist and are soon to be tabled before Parliament. It must be noted however that the slow progress of these bills is partly due to the resistance that the Government has received from various sections of the community.

The Land Act and the Domestic Relations Bill will determine the future prospects of women to access and ownership of land, marital property and other forms of real property. In its present state, the Land Act has catered for the poor, the majority of whom are women. Non-Governmental Organizations, under the auspices of the Uganda Land Alliance and under the co-ordination of the Uganda Women's Network (UWONET) are lobbying Parliament to enact a fair law that will benefit the poor and give women user rights. Women's access to land, property and credit is still extremely low.

SUMMARY OF PROTECTION OF WOMEN AND CHILDREN UNDER THE LAND ACT

- Specific provisions guarantee the protection of women and children;
- All customs that prevent women and children from inheriting land are null and void;
- Land Committees are required to protect the interests of women, children and persons with disabilities;
- Women are represented on Land Committees and Land Tribunals;
- Written consent of a spouse is required before transfer of land on which the family resides or derives sustenance;
- Children of majority age give consent before transfer;

- Land committees give consent on behalf of minor children and orphans;
- The issue of co-ownership of property between women and men would be in the new print of the Land Act.

THE NATIONAL GENDER POLICY

The National Gender Policy was approved by the Government in 1997, as part of its policy of main-streaming gender concerns in the national development process. The policy outlines strategies to achieve these objectives and the institutional framework, including roles and responsibilities of the line ministries and other stake holders.

Under the National Gender Policy, the MGLSD is the institution established to promote gender equity and is charged with the responsibility of spearheading and co-ordinating gender responsive development and in particular ensuring the improvement of women's status and advocating for gender equity at all levels.

In its role, the MGLSD provides technical guidance and back up support to other institutions engaged in gender sensitive development planning. It also liaises with other actors in identifying and drawing attention to key gender concerns, e.g. property ownership, land tenure, credit, legal rights as well as initiating actions to address them such as law reform and awareness campaigns.

THE NATIONAL ACTION PLAN ON WOMEN

The obligation to eliminate discrimination against women set out under Article 2 of CEDAW is reinforced under the Beijing Platform for Action and the African Regional Platform for Action. On these bases, the Government of Uganda designed and adopted a National Action Plan on Women in December 1999. The goal of this plan is to achieve equal opportunities for women by empowering them to participate in, and benefit from the social, economic and political development.

Four priority areas for advancing the position of women are :

- poverty, income generation and economic empowerment;
- reproductive health and rights;
- legal framework and decision making;
- the girl child and education.

The plan provides a framework for implementing initiatives under these priority areas by the various key players at community, district and national levels during the period from 1999 - 2004.

LEGAL AID SERVICES AND LEGAL EDUCATION

The provision of services to address issues of discrimination against women involves initiatives from both the Government and NGOs. On the part of the Government, the MGLSD has successfully pioneered a paralegal training programme in one district (Kamuli) to improve the delivery of legal services in communities. Simplified booklets and manuals including CEDAW have been prepared by the MGLSD on various laws to make them more accessible to the public.

The ministry's effort to sensitize the population on their rights has been supplemented by other governmental and non-governmental legal education and sensitization programmes in other districts of the country. Given the magnitude of legal knowledge which needs to be imparted to the local people in the country, the resources to do this are still insufficient.

The provision of legal aid services by NGOs such as the Federation of Uganda Women Lawyers (FIDA), the Law Development Centre (Makerere University) and the Legal Aid Project (LAP) of the Uganda Law Society have helped women to try to solve their legal problems especially in matters relating to inheritance, property rights, marriage, assault, divorce/separation and child support.

ARTICLE 3

THE DEVELOPMENT AND ADVANCEMENT OF WOMEN

Since the Government of Uganda ratified CEDAW and submitted the *Initial and Second Report*, steps have been taken towards the development and advancement of women in the political, social, economic and cultural fields.

The steps include:

- promulgation of a gender sensitive Constitution;
- establishment of a national machinery for the advancement of women;
- adoption of the National Gender Policy;
- adoption of a National Action Plan on Women;
- inclusion of gender in the President's election manifesto of 1996;
- legislative reform;
- affirmative action in various fields especially in decision making, credit facilities and education.

GENDER SENSITIZATION AND MAIN-STREAMING

In order to ensure that women are catered for in the social, economic, political and cultural fields, the MGLSD has embarked on a process of gender sensitization and main-streaming in various policies and sectors at both local and national levels.

Gender Sensitization

Gender sensitization has been done through the following channels; workshops, seminars, public speeches, talks, lectures, T.V. and radio programmes, local newspaper gender bulletins, conferences and drama, among others. The targets are policy makers, legislators, administrators, politicians, NGOs, media personnel, sectoral technical staff, data users and collectors, law enforcement agents and the general populace.

Gender Main-streaming

The process of gender main-streaming has so far covered the following Ministries:

- Gender, Labour and Social Development;
- Agriculture, Animal Industry and Fisheries;
- Water, Lands and Environment;
- Tourism, Trade and Industry;
- Local Government and Decentralization Secretariat;
- Health;
- Internal Affairs;
- Education and Sports.

These ministries have made gender responsive policy commitments. The major constraints of the national machinery regarding this exercise are monitoring and follow-up on the implementation of these policy commitments. In addition to this, gender main-streaming within the local governments has covered 13 of the 45 districts. The gender main-streaming process at district level aims at incorporating gender concerns in the district development plans.

GENDER DISAGGREGATED DATA

Gender statistics clearly show the existing gender gaps between women and men in a number of areas, for example: health, education, decision making, employment, household and housing issues, labour force, disability and poverty. This is a good basis for policy makers and planners to take action to redress the imbalances. Gender disaggregated data is used as an important tool to influence policy and planning processes for the advancement of women in Uganda.

Gender disaggregated data creates awareness that promotes change in the design of programmes that address the gender inequalities in various sectors. The collaborative process is important because users of gender statistics need to identify their demands on the basis of their needs and in turn address users' specific needs.

The MGLSD has developed capacities in collecting and disaggregating data by gender. The publication of *Women and Men in Uganda: Facts and Figures 1998* is a

concretization of these guidelines developed with the Uganda Bureau of Statistics, and capacity building through training. This publication has gender-disaggregated data on population, household characteristics, health, education and literacy, labour force, decision making, disability, and poverty. Other detailed sectoral gender statistics booklets on education, health and decision making are in the process of being published.

THE ROLE OF NGOS IN THE ADVANCEMENT OF WOMEN

In Uganda, the Government and NGOs work in collaboration for the advancement of women. This is done through lobbying, consultations, monthly meetings with umbrella organizations and training.

The NGOs are therefore able to provide data, examine strategies and give feedback to the MGLSD on current issues involving women's rights. For instance in the formulation of the *Country Report in Preparation for the Fourth World Conference on Women 1995*; more than 20 women NGO representatives, over 30 representatives of 15 government departments and 3 parastatals participated in the meetings and drafting of the said Country Report. The MGLSD also commissions NGOs to collect data or conduct training on gender issues. For instance, during the Constitutional Consultations, the Ministry commissioned Action For Development (ACFODE) to conduct a baseline survey on women's knowledge of the Constitution. Regarding economic empowerment of women, services of organizations such as the Uganda Women Finance Trust (UWFT) are solicited in credit management and training.

Women NGOs on their own, have been initiating and implementing programmes aiming at raising awareness on women's rights and counteracting discrimination. Such initiatives include the counselling programmes of the Uganda Association of University Women, the gender and legal outreach programmes of ACFODE, the legal aid and sensitization programmes of FIDA-Uganda, the initiatives of Hope After Rape, the advocacy efforts of Forum for Women in Democracy (FOWODE) and the Alert Interventions of UWONET. The participation of several women NGOs in the civic education programmes that fore ran the 1996 presidential and parliamentary elections greatly helped in creating awareness of and promoting women's participation in politics.

Most women organizations now consider it mandatory to include gender sensitization in their planned activities. All these activities have converged to make gender an issue of concern throughout the country. One indicator of this general gender awareness is the fact that all the major newspapers and radio stations have allocated specific regular space and time for gender issues in their media productions. This was enhanced by a series of gender training specifically targeted both at the print and electronic media.

ARTICLE 4

THE ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN

In compliance with this Article of the Convention, the Government of Uganda has adopted various temporary measures aimed at accelerating *de facto* equality between men and women. In this regard, the Government has maintained and in some cases improved the position given in the *Initial and Second Report*. As a constitutional guarantee, Article 32(1) provides for affirmative action in favour of marginalized groups on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them.

The measures mentioned in the *Initial and Second Report* and which have been retained include the 1.5 bonus points for all qualifying females at entry to university, and the parliamentary seat for women for each district.

The new measures adopted include the following:

- Article 32(2) of the Constitution provides for the establishment of the Equal Opportunities Commission for the purpose of giving full effect to affirmative action in favour of marginalized groups.
- Universal Primary Education (UPE) has been adopted. Under this policy, every family is entitled to have four children sponsored by the Government to acquire primary education. Within the policy, there is an affirmative provision requiring that of the four children per family, at least two should be female.
- In local governance, the Constitution and indeed the Local Government Act, provide that one third of the membership of each local government council shall be reserved for women.
- In national politics, there is an affirmative action for special seats for women from the districts over and above the option to compete with men in the constituencies.

However, Article 78(2) of the Constitution provides for the review of the affirmative action for women and other marginalized groups for the purpose of retaining, increasing or abolishing any such representation.

ARTICLE 5

SEX ROLES AND STEREOTYPING

STEREOTYPED PRESENTATION OF WOMEN

As reported previously, the Government recognizes the lack of awareness as a major hindrance towards the elimination of prejudice and all other practices, which are based on the idea of the inferiority or superiority of sexes.

Although social and cultural patterns in Uganda vary according to ethnic differences, there are some common characteristics that feature in all the cultures that suggest sex roles and stereotype women. This has its roots in the institution of patriarchy that is embedded in all the cultures. Some examples include the perception of women as property, as inferior to their male counterparts, as domestically oriented, and as deserving battery in the home.

The Constitution in Article 33(3) states that:

"The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society."

The Government through the MGLSD has adopted a strategy of gender sensitization to address gender stereotyping. The Ministry has and is still conducting a range of gender sensitization activities that vary with the target group. These include; radio programmes, drama activities, the Gender Bulletin, gender sensitization workshops, manuals and booklets using the visual media, operation of a Resource Centre and legal education. The MGLSD also conducts gender sensitization talks in colleges, training institutes and professional institutions.

The Ministry of Education and Sports under the Support to Universal Primary Education Reform (SUPER) Project, revised primary school teaching materials to lay emphasis on pictures and illustrations to change them to give a gender balanced perspective. The overall primary school curriculum has been revised to include a gender perspective. Volume 1 has been produced with Mathematics, English, Science and Social Studies, and it is being distributed to schools.

The Role of the NGOs in Tackling the Issue of Stereotyping Women

Recent developments in the media and NGO sector have made initiatives to deter the stereotyped presentation of women. The major newspapers in English and local languages have adopted the principle of a "gender issues page." Every week, series of articles dealing with gender issues are published. The most common issues that are discussed include domestic violence, rape, defilement, review of women's enterprises, activities of women's groups, gender training, women's appointments/promotions and profiles of outstanding women. There are also women's magazines like *Arise* of ACFODE, which target the young and productive readership on gender issues. The Uganda Media Women's Association (UMWA) has taken the initiative of producing a pullout called *The Other Voice,* in the *New Vision* newspaper, which highlights current issues affecting the advancement of women. However, some magazines targeting the youth have been emerging and presenting articles that are slanted towards erotic reporting. These tend to promote the stereotyped presentation of women.

In terms of radio and TV coverage, there are programmes that specifically address themselves to gender issues. The government television (UTV) has a weekly programme that covers the "Gender World." Radio Uganda also has regular programmes that cover gender issues and address themselves to sensitizing the audience/listeners to the need for a change of mentality towards women and other disadvantaged groups (e.g. people with disability). With the coming into existence of private radio stations, programmes and interviews on gender issues have greatly increased. The only constraint is the gender insensitive manner of some presenters.

The MGLSD and some women NGOs like ACFODE, UMWA, FOWODE, ISIS-WICCE and FEMRITE have however endeavoured to organize information and writing skills workshops to sensitize the media personnel on gender issues.

One institution which offers gender training is the Department of Gender and Women Studies in Makerere University. The Department has both long term and short term regional courses. The long term courses are offered at Masters and Ph.D. level while the short ones are organized as in-service training for professionals interested in acquiring practical knowledge of gender issues. Several professionals and individuals from the private and public sectors have attended these courses. This has had a positive impact on their perception of gender issues.

ARTICLE 6

SUPPRESSION OF THE EXPLOITATION OF WOMEN

PROSTITUTION

The position in Uganda has not changed from what was reported in the *Addendum* to the *Initial and Second Report*. Living on the earnings of prostitution remains illegal and many women are exploited. There is also foreign immigration of prostitutes into the country.

Due to the high levels of economic hardship, prostitution could be on the increase, but there is insufficient data on the practice. There is a distinct link between the practice and poverty, as the majority of women who engage in prostitution do so for economic reasons. There is an increased number of women who are migrating from rural areas to urban centres in search of work, but many lack the necessary skills and training to join the formal sector. The problem of raising the necessary capital to engage in other business enterprises could mean that they end up on the streets as prostitutes.

The lure of prosperity or financial security for orphaned girls is a basis for trafficking from rural areas of Uganda to the towns. Several young women have fallen prey to trafficking through the vice of those who have authority over them. This is the case especially with orphaned girls who are in the care of their relatives.

Some NGOs have set up clinics and slum aid projects where they give assistance and advice to prostitutes on sexually transmitted diseases. Some examples of NGOs include Hope After Rape and the Slum Aid Project.

SEX TOURISM

Expansion of the tourism industry in Uganda as a result of the increased peace and political stability poses a real threat to young women and girls in Uganda. In sex

tourism, tour operators include sex with prostitutes as part of the holiday package. Statistics on the magnitude of this practice are also not available because the operations are underground and the authorities are not able to detect it.

ARMED CONFLICT

The situation of internal armed conflict in northern and western Uganda has resulted in many young girls and women being abducted from the areas affected by the insurgency, who are forced to serve as sex slaves to rebel commanders and soldiers. Many girls and women who have escaped from captivity testify to being subjected to sexual slavery.

Non-governmental organizations like ISIS-WICCE, World Vision International, UWONET and UNHCR have documented situations of armed conflict in different parts of the country. Psycho-social support services are offered by the MGLSD, World Vision and UNICEF, to victims of armed conflict, with special focus on women and children.

THE LAW

The Penal Code Act, Chapter 106, Laws of Uganda, is the major enactment that can be used to combat the problem of trafficking in women. The act does not specifically use the term/phrase trafficking in women, nevertheless Section 125, which prohibits procurement, is akin to trafficking and is a provision which may be exploited in the fight against trafficking in women for the purpose of prostitution. It provides that:

"Any person who:

(a) Procures or attempts to procure any girl or woman under the age of 21 years to have unlawful carnal connection, either in Uganda or elsewhere, with any person or persons;

(b) Procures or attempts to procure any woman or girl to become either in Uganda or elsewhere a common prostitute;

(c) Procures or attempts to procure any woman or girl to leave Uganda, with intent that she may become an inmate of or frequent a brothel elsewhere;

(d) Procures or attempts to procure any woman or girl to leave her usual place of abode in Uganda, (such place not being a brothel) with intent that she may, for the purpose of prostitution, become an inmate of or frequent a brothel either in Uganda or elsewhere;

Is guilty of an offence and shall be liable to imprisonment for seven years."

An interpretation of this provision would be that it prohibits all kinds of trafficking in women, whether national or cross-border trafficking. However, no convictions or

prosecutions arising out of this section could be traced from the records available at the time of writing this report. The provision has a major drawback that:

" no person shall be convicted of any offences in the section upon the evidence of one witness only, unless that witness be corroborated in some material particular by evidence implicating the accused."

This provision makes proof and burden of proof doubly difficult for the prosecution. In most cases prosecutors have opted to charge accused persons with minor offences such as being idle and disorderly (euphemism for prostitution, especially where it relates to a woman arrested at night) and vagrancy and assault (for pimps). There are difficulties with the methods of proof and in conforming to them, such that convictions are rare and prosecution opts "not to waste its time". Consequently, such provisions are simply the letter of the law with little or no practical use.

Section 126 of the Penal Code Act provides against procuring the defilement of or carnal connection with a woman by threats, intimidation, false pretences or false representations, or by applying or administering to or causing to be taken by any woman any drug, matter or thing with intent to stupefy or overpower, so as thereby to enable any person to have unlawful carnal connection with such a woman. The punishment for such is seven years imprisonment. However, the provision imposes the requirement for the evidence of one witness to be corroborated.

Section 127 of the Penal Code Act provides:

"any person who, being the owner, or occupier of premises, or having or acting or assisting in the management or control thereof, knowingly suffers any girl under the age of 18 years to resort to or be upon such premises for the purpose of unlawful carnal acts with any man, is guilty of a felony and is liable to imprisonment for five years."

The cumulative effects of the above provisions is to ban and prohibit the trafficking of women by use of force, threat of force or violence, abuse of authority or dominant position or through deception and tricks. These are further reinforced by section 129(1), which provides that any person who unlawfully detains another person for the purpose of sexual intercourse is guilty of an offence.

Sections 131 and 134 may be employed to tackle trafficking of women or suppressing the exploitation of the prostitution of women. These sections prohibit living on the

earnings of prostitution, soliciting or importing for immoral purposes and keeping houses, rooms or any other place for purposes of prostitution.

However, whereas these provisions may be used to check trafficking in women, they may be counter productive regarding prostitution itself. Prostitution is outlawed and not regarded as legitimate employment. Pimps and traffickers would still be in a position to victimize prostitutes who would not be able to report their grievances to the Police because they would be doing something illegal. Traffickers can therefore use this same law to keep the women enslaved and in slave-like conditions by threatening them with exposure. The women would then have no choice but to accept the demands and conditions set by the traffickers. Even where they would have liked to be free, the Police would not be of any help because of their prejudice against women who engage in prostitution.

Investigations are often discontinued when the Police realize what the complainants do for a living. The persons who use their services also know that these women are not protected by law and take advantage of them. If prostitution was not outlawed, prostitutes might be encouraged to seek redress and protection of the law against practices that subject them to live and work in slave-like conditions as well as work that is injurious to their health.

Due to non-recognition of prostitution as legitimate employment, the prostitutes are left at the mercy of the traffickers and pimps. In practice, most of the provisions related to the offences are merely on the statute books without much practical relevance. In most cases, no prosecutions let alone convictions have arisen out of them mostly due to the nature of the offences and the evidence needed to prove the case. For various reasons the Police have not used police traps for such cases, but instead, they have preferred to charge culprits with being idle and disorderly under section 127; and for repeat offenders, to have them declared rogues and vagabonds.

The immigration laws of Uganda are also unfair to women trafficked out of Uganda for purposes of prostitution. If they are lucky to break free from the brothel owners or "husbands" who hold them in bondage and are repatriated on their own volition or otherwise, Section 16 of the Immigration (Amendment) Act 1984 makes their situation a difficult one. Under this section, any citizen of Uganda who is repatriated for his or her own fault or misconduct must within 12 months pay to the Government of Uganda all expenses incurred in the process. Failure to repay will entitle the Government to a court order authorizing attachment and sale of property to facilitate realization of the money spent on repatriation. Women who are repatriated and who have been working as prostitutes would no doubt fall into the category of persons expatriated "through their own fault".

ARTICLE 7

POLITICAL AND PUBLIC LIFE

As noted in Article 4 of this report, the Government has taken measures to eliminate discrimination against women in political and public life, mainly through affirmative action. The situation has improved since the submission of the *Initial and Second Report* with the participation of women in local governance being assured through affirmative action. This has adopted the principle that the village, parish, sub-county and district levels should have one third of the Council being represented by women. Table 3 shows the participation of women in political and public life in Uganda.

Table 3 Women and men in top decision making positions in Uganda

Position	1994		1995		1996		1997	
	W	M	W	M	W	M	W	M
Cabinet*	6	38	7	45	7	47	7	47
Parliament	51	219	51	226	51	226	51	226
Top Civil Service	32	122	21	112	59	215	60	213
Judiciary	-	-	-	-	13	44	16	51
Local Authorities**	14	103	5	73	5	73	12	105
Total (numbers)	98	482	79	449	135	605	146	642
Percent	16.9	83.1	14.9	85.1	18.2	81.8	18.5	81.5

Source: Women and Men in Uganda: Facts and Figures, 1998 (MGLSD)

* Cabinet includes Cabinet Ministers and Ministers of State.

* * Local Authorities include RDCs, CAOs, and LC.V Chairpersons. Data for CAOs for 1995 and 1996 were missing.

The above data show that although the situation has improved, women are still fewer than men in decision making positions in Uganda. It is the situation at all levels; national, district and community. The probable cause of this problem is the patriarchal society in which men are viewed as the natural leaders, and therefore few women take up or even contemplate taking up such challenges. The negative attitudes that such actions would elicit are part of this problem. For example the recent 1996 parliamentary elections show that of the 896 persons vying for the 214 direct county seats in Uganda, only 32 were women and only 8 made it to Parliament. The rest of the women in Parliament are there through the affirmative action for women and other interest groups. In the legislature, each district must elect a representative into Parliament to represent the interests of women. It was appreciated that 18% of the Members of Parliament were women; 50% of the representation of people with disability were women, while that for youth was 40%.

It is evident that the special campaigns or measures that have been undertaken by the Government and women NGOs to encourage women to stand for or hold elected offices at local, regional and national levels have had some impact.

ARTICLE 8

INTERNATIONAL REPRESENTATION AND PARTICIPATION OF WOMEN

Since the *Initial and Second Report*, the National Objectives and Directive Principles of State Policy in the 1995 Constitution provided for equality and freedom from discrimination (Article 21) the rights of women (Article 33) and equal opportunities in development (Article XI Paragraph (i)). The provisions of the Constitution show that women in Uganda in principle can enjoy:

"The opportunity to represent their government at the international level and to participate in the work of international organizations."

In practice, however, nothing much has changed since the *Initial and Second Report*. There are still 3 women out of 41 Ambassadors, there are 11 women out of 35 First Secretaries. There are also 8 women out of 24 Second Secretaries, and out of a total of 31 Third Secretaries, 10 are women. Representation of women in the top diplomatic positions is minimal. The number of women increases as you go lower in the ranks of representing Uganda abroad (See Table 4). Generally the women in the lower ranks are still young and without family obligations and children. However, as they mature and engage in family commitments and home making, it becomes difficult for them to take on the postings abroad because it has serious implications for their young families. In this regard, family obligations remain a major hindrance to women's active participation in the Foreign Service.

Table 4 Women and men in the Foreign Service, June 1999

Grade	Women posted abroad	Women in the MoFA, Uganda	Total women in Foreign Service	Total men in Foreign Service	Total women and men in Foreign Service
Ambassador	2	1	3	38	41
Minister Councellors	-	2	2	10	11
Councellors	3	-	3	8	11
1st Secretary	7	4	11	24	35
2nd Secretary	4	4	8	16	24
3rd Secretary	3	7	10	21	31

Source: Ministry of Foreign Affairs, Uganda, 1999.

In the recent past however, Ugandan women have been supported by the Government to take up leadership positions in the UN and other regional organizations. A Ugandan woman is heading the Food and Agriculture (FAO) Southern Africa regional programme, another one is responsible for the UNAIDS Programme in the same region and yet another heads a section of the same programme in Geneva.

ARTICLE 9

NATIONALITY

Since the *Initial and Second Report* the situation has altered due to changes ushered in by the 1995 Constitution. Article 9 of the Constitution states that:

"every person who, on the commencement of this Constitution, is a citizen of Uganda shall continue to be such a citizen."

The Constitution identifies different types of citizenship, which are described in the following sections.

CITIZENSHIP BY BIRTH

Prior to the 1995 Constitution, only male citizens could confer citizenship to their children born within or outside Uganda. To date Article 10 of the Constitution gives the right of Ugandan citizenship to a child born within and outside Uganda through either parent. This means that a child born to a women who is a citizen of Uganda is automatically a Ugandan citizen by birth. Citizenship is extended to such a child through the mother, even if she is married to a non-Ugandan and even if such a child is born outside Uganda. The child, if she or he wishes, has the right to Ugandan citizenship.

CITIZENSHIP BY REGISTRATION

Prior to the 1995 Constitution, whereas their male counterparts enjoyed the right, Ugandan women could not confer citizenship to their non-Ugandan marriage partners. To date, Article 12(1) and (2) of the Constitution allows any person married to a Ugandan citizen (male or female) to acquire Ugandan citizenship by registration. Article 12(3) and (4) further protects any person (with acquired citizenship by registration) from losing their Ugandan citizenship in the case of the death of a spouse, or separation or divorce from a spouse. This provision especially protects women.

LOSS OF CITIZENSHIP BY REGISTRATION

Marriage to a non-Ugandan citizen does not constitute grounds for a Ugandan to lose her or his Ugandan citizenship. Article 15(2) of the Constitution provides that:

"A citizen of Uganda shall cease forthwith to be a citizen of Uganda if, on attaining the age of 18 years he or she, by voluntary act other than marriage, acquires or retains the citizenship of a country other than Uganda."

Article 15(5) provides that:

"Where the law of a country, other than Uganda, requires a person who marries a citizen of that country to renounce the citizenship of his or her own country by virtue of that marriage, a citizen of Uganda who is deprived of his or her citizenship by virtue of that marriage shall, on the dissolution of that marriage, if he or she thereby loses his or her citizenship acquired by that marriage, becomes a citizen of Uganda."

These provisions ensure that Ugandan women do not lose their citizenship or become stateless by virtue of marriage to a non-Ugandan citizen. It is now possible for Ugandan women to retain their Ugandan citizenship even where they are married to foreigners. This is because they enjoy a constitutional right to extend their citizenship to their foreign spouses.

TRAVEL DOCUMENTS

Article 29(2) of the Constitution provides that:

"Every Ugandan shall have the right (a) to move freely throughout Uganda and to reside and settle in any part of Uganda; (b) to enter, leave and return to Uganda; and (c) to a passport or other travel document".

However, the passport regulations provide that a married woman will not be issued a passport or have her passport renewed without the written consent of her husband. Furthermore, where a husband's passport includes his wife's particulars, she cannot use

that passport when travelling alone. These regulations are clearly spelt out and contravene the provisions of Article 29(2) above.

Cases have been reported of husbands withholding written consent from their wives, thus infringing on their right to travel. The above provision maintains the discriminatory practice that allows men to travel extensively in search of better work or trade but that domesticates women and subjects adult women to the control of their husbands.

Section 7 of the Passport Act provides for the endorsement of the particulars of children under the age of 16 years in their parents' passports. However both parents do not enjoy an equal right to have their children's particulars endorsed in their passports. Passport Regulation Section 3(5) provides that where the passport holder requires the endorsement of children in his or her passport, a prescribed form must be signed by or with the consent of the legal guardian of the child.

The same regulation defines the legal guardian to mean the father of the child. It is only when a father is dead, that the mother of the child can produce a court order committing the child to her as the legal guardian or custodian, that the mother can consent to the endorsement of the child in another person's passport, including her own.

The provisions highlighted above subject women, who may be separated, divorced or widowed to unnecessary injustice and discriminates against women generally and single mothers in particular. The passport forms are discriminatory in nature because they require information on married women about their husbands but not vice versa. The Passport Act and Regulations appear to contravene several constitutional provisions and are among the various laws that need to be changed in order to reconcile them with the Constitution.

ARTICLE 10

EDUCATION

The Government policy on education is not discriminatory because it provides for equal opportunities for both sexes. Nevertheless the education of women in Uganda continues to lag behind that of men. It is hoped that the initiatives of the Government to ensure girls' enrolment and retention in school will correct this imbalance.

Formal education in Uganda, which has almost wholly been controlled by the Government since independence, takes 3 major cycles:

- Primary school cycle (7 years);
- Secondary school cycle (6 years);
- Tertiary cycle (2 - 5 years).

Article 30 of the Constitution states that:

"All persons have a right to Education"

The Government provides the right to education for both girls and boys. Whereas there is no discrimination in education in Uganda, the socio-economic status of a family determines their ability to finance the education of all their children. Parents are themselves frequently faced with the problem of making a choice as to which child or children to send to school. In most cases girls end up being victims because they are made to embark on domestic chores and assistance in the home as a preparatory process for their future.

In order to increase literacy rates, the Government embarked on a programme of Universal Primary Education (UPE) in 1997, but enrolment rates for girls at all levels has remained low compared to that of boys, because of a preference to educate the boy child. Factors that have inhibited women participating in education include family, society, institutional and traditional beliefs. See Tables 5, 6, 7 and 8 for statistics.

Table 5 Enrolment by educational levels (sex distribution percentages) educational attainment

Educational attainment	1993		1994		1995		1996		1997	
	M	F	M	F	M	F	M	F	M	F
Primary	57	43	54	46	55	45	54	46	55	45
Secondary	61	39	61	39	62	38	61	39	-	-
University	71	29	66	34	65	35	66	34	65	35

Source : Planning Department, Ministry of Education and Sports, 1997.

Table 5 shows that the gap between male and female enrolment is wide and increases at higher educational levels.

Table 6 Enrolment of undergraduates at Makerere University by sex distribution percentage

Faculty/ Department	1991/92		1992/93		1993/94		1994/95		1995/96		1996/97		1997/98		1998/99	
	W	M	W	M	W	M	W	M	W	M	W	M	W	M	W	M
Medicine	28	72	34	66	30	70	35	65	22	78	29	71	31	69	32	68
Veterinary	08	92	07	93	09	91	0	100	05	95	19	81	08	92	07	93
Dental Surgery	10	90	22	78	45	55	38	62	30	70	37	63	34	66	39	61
Pharmacy	30	70	36	64	31	69	10	90	42	58	21	79	23	77	31	69
Nursing	-	-	-	-	100	0	NA	NA	50	50	56	44	48	52	44	56
Engineering	11	89	17	83	11	89	21	79	16	84	15	85	20	80	18	82
Agric. Engin	-	-	-	-	0	100	11	89	08	92	06	94	11	89	09	91
Survey	-	-	09	91	0	100	08	92	38	62	15	85	19	81	16	84
Architecture	10	90	29	71	11	89	50	50	22	78	30	70	25	75	35	65
Agriculture	12	88	22	78	27	73	33	67	13	87	24	76	24	76	18	82
Food Science	40	60	36	64	44	56	38	62	27	73	38	62	34	66	35	65
Forestry	14	86	15	85	13	87	12	88	09	91	14	86	18	82	19	81
Sciences	29	71	NA	NA	21	79	31	69	19	81	21	79	20	80	19	81
Statistics	26	74	15	85	21	79	16	84	10	90	23	77	26	74	31	69
Commerce	29	71	23	77	35	65	19	81	24	76	26	74	31	69	33	67
SWSA	42	58	63	37	68	32	45	55	45	55	42	58	48	52	51	49
Mass Comm.	65	35	60	40	50	50	65	35	52	48	61	39	56	44	62	38
Social Science	30	70	34	66	NA	NA	48	52	45	55	42	58	43	57	41	59
Law	50	50	45	55	31	69	54	46	45	55	44	56	54	46	55	45
Library/Inform	49	51	50	50	63	37	54	46	65	35	62	38	70	30	67	33
Arts	37	63	40	60	34	66	37	63	41	59	44	56	45	55	44	56
Arts/Educ.	52	48	49	51	58	42	51	49	50	50	48	52	51	49	51	49
Science/Educ.	18	82	28	72	39	61	23	77	21	79	20	80	20	80	20	80
Agric Ext Edu	-	-	-	-	-	-	-	-	-	-	-	-	55	45	56	44
Sci Qual Econ	-	-	-	-	-	-	-	-	-	-	17	83	19	81	16	84
Fine Art	-	-	-	-	-	-	-	-	-	-	41	59	43	57	47	53
Music	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0	0
Drama	-	-	-	-	-	-	-	-	-	-	-	-	50	50	50	50
Dance	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0	0
Development	-	-	-	-	-	-	-	-	-	-	-	-	50	50	54	46
Tourism Mmt	-	-	-	-	-	-	-	-	-	-	-	-	58	42	54	46
Urb/Reg Plan	-	-	-	-	-	-	-	-	-	-	-	-	30	70	38	62
Enviro Mmt	-	-	-	-	-	-	-	-	-	-	-	-	53	47	52	48
CE	-	-	-	-	-	-	-	-	-	-	-	-	48	52	39	61
Enth	-	-	-	-	-	-	-	-	-	-	-	-	-	-	31	69
Total	34	66	29	71	35	65	34	66	35	65	36	64	36	64	36	64

Based on statistics from Balancing the Scales: Addressing Gender Concerns in National Development Programmes, 1999, MGLSD; and Makerere University Academic Registrar's Office, 1999.

- implies that the course was not yet introduced at the University;
0 implies that no student enrolled for that course at the time;
NA implies that the data was not available.

Table 7 Proportion of women undergraduates by university (first degree)

University	1993/94	1994/95	1995/96
Makerere	35.1	34.0	35.0
Mbale	21.5	26.2	28.3
Mbarara	20.3	23.0	22.8
Namasagali	21.9	43.3	-
Ndejje	46.1	42.0	40.2
Nkozi	32.1	39.0	46.1
Nkumba	40.3	43.9	48.2
Bugema	32.1	21.8	29.4

Source: Women and Men in Uganda, Facts and Figures 1998 (MGLSD)

The Government of Uganda, through affirmative action has taken steps to rectify the gender imbalance at university level. In 1990, a 1.5 point "bonus" was added to the scores of female qualifying candidates for admission to increase their numbers at Makerere University. The proportion of women has increased to over 30% in the last five years.

In order to ensure good quality education for girls, the Government has initiated strategies to remove all gender biases from all aspects of the curriculum, and all the processes in the education system. This includes stereotyping in textbooks and classroom interaction, which has commenced at primary and tertiary levels. Nursing and Secretarial Services have been elevated to degree level, bringing these female-dominated disciplines to higher levels.

The National Curriculum Development Centre has revised the 1990 primary education curriculum and the activity is still on-going to include gender aspects. Currently, in all schools, girls have the same basic curriculum and the same choice of any options as boys.

Before 1990, Home Economics was being offered only in a few secondary schools, mainly for girls. Currently, the subject is being taught in primary schools country-wide since a large part of it concerns nutrition, and it has been put together with agriculture to target both girls and boys.

Table 8 Status of the Functional Adult Literacy Programme as in December, 1998

District	Sub-counties covered	Literacy supervisors trained	Instructors trained	FAL classes registered	Female learners enrolled	Male learners enrolled	Total learners
Apac	12	18	124	154	6,624	1,433	8,046
Hoima	11	11	182	202	6,946	2,144	9,090
Iganga	21	21	144	164	9,467	3,776	13,243
Kamuli	14	14	122	156	6,581	3,014	9,595
Mbarara	27	30	208	246	9,964	2,728	12,694
Kabarole	21	24	194	331	10,964	2,621	13,585
Mpigi	09	09	37	53	1,436	416	1,852
Mukono	12	18	84	102	3,654	1,126	4,780
Bushenyi	08	14	84	141	4,864	1,124	5,988
Kasese	08	14	62	77	2,649	1,024	3,673
Kibaale	08	15	99	114	2,872	842	3,714
Lira	08	14	100	104	2,874	1,433	4,307
Masindi	08	12	118	124	2,742	886	3,628
Mubende	08	12	90	94	1,649	212	1,861
Rukungiri	12	18	140	152	6,989	2,286	9,268
Soroti	16	18	96	124	6,284	1,604	7,888
Kumi	06	08	68	81	1,490	758	2,248
Bugiri	04	06	56	64	2,897	1,258	4,155
Katakwi	04	04	28	44	916	104	1,020
Tororo	09	12	63	72	2,494	697	3,191
Kisoro	07	18	46	64	454	148	602
Mbale	12	09	48	52	3,022	956	3,978
Ntungamo	09	12	29	70	1,239	771	2,020
Nakasongola	-	-	25	3	-	-	-
Kampala	05	10	64	86	2,578	268	2,846
Pallisa	06	26	40	54	487	263	750
Total	265	367	2,351	2,928	105,465	31,518	137,022

Source: FAL Programme in Uganda, MGLSD, 1998

Table 8 shows the number of learners enrolled for the adult literacy programmes between 1992 and 1998 for selected districts.

The fact that literacy levels for women are still low (44.9%) compared to 63.5% for men, lead the Government to embark on the Functional Adult Literacy (FAL) programmes. The figures portray that there are more women than men enrolled for these classes in all the districts. A total of 137,022 learners enrolled for the 6 years of which approximately 80.1% were women.

ARTICLE 11

EMPLOYMENT

Since the *Initial and Second Report*, there have been significant changes regarding the employment situation due to restructuring and the implementation of the decentralization, liberalization and privatization policies. Unemployment, under employment and the high incidence of poverty have compounded prospects especially in rural areas where most of the youth and able-bodied people belong.

Following changes through the Civil Service Reform Programme, the mandate of the Ministry of Gender has been broadened to include labour affairs. A draft National Employment Policy for Uganda is in place, which aims at the promotion of more rapid productive employment in all sectors of the economy.

Article 40 of the Constitution stipulates that:

1) ***" Parliament shall enact laws:***

   a) To provide for the right of persons to work under satisfactory, safe and healthy conditions;
   b) To ensure equal payment for equal work without discrimination;
   c) To ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.

2) ***Every person in Uganda has a right to practice his or her profession and to carry on any lawful occupation, trade or business.***

3) ***Every worker has a right:***

   a) To form or join a trade union of his or her own choice for the promotion and protection of his or her economic and social interests;
   b) To collective bargaining and representation;
   c) To withdraw his or her labour according to law.

4) ***The employer of every woman worker shall accord her protection during pregnancy and after birth, in accordance with the law."***

The laws required by Article 40 are still in their formulation stages and include: the Employment Decree; Trade Unions Decree (Workman's Compensation Act); Workers Act; Minimum Wages and Advisory Board/ Councils Act; Factories Act and NSSF Act.

The Government applies the principle of equal pay for equal work. However, with a bias towards private sector development for economic growth, the Government's

control of labour rights is a concern for women and children, as they are concentrated in the informal and private sector.

As regards the ability of mothers to engage in gainful employment with their young children, there is yet no policy on child care facilities. The initiative is up to individual employers to address this issue.

Some efforts have been made by various employers, institutions, individuals and NGOs to arrange for child care centres near work places on a commercial basis. The day care centres run by individuals have proved to be rather expensive for the majority of mothers. Furthermore, employers do not care for children of school age especially when a mother works for long hours.

The Employment Decree of 1975 grants all workers holidays, sick leave and job training, and these are not discriminatory. There is also no discrimination against employed women as regards social security benefits. However, the funds accruing from the social security fund are minimal and are not adequate to cater for the needs of the aged or the disabled. Few women are covered by this fund because of the small number of women engaged in paid employment compared to men.

Women in the informal sector are not covered by social security and there is no law that establishes or outlines their rights as workers. On the contrary, the law frequently criminalizes their work in the informal sector. Hence women who carry out petty trade on streets are forbidden from engaging in this kind of work because it falls outside established state or city regulations. Institutionalized exploitation of women's labour and abusive practices are widespread within traditional female occupations.

Women's work is rarely recognized in law or custom as valuable work. Women are usually restricted to "unskilled" low paying, repetitive, and labour intensive jobs like cleaning, cooking and caring; either as domestic workers or in restaurants, hotels and the entertainment industry. Women are also not allowed to work at night except in the medical profession.

Working women widely report sexual harassment at their work places. The major problem is that whereas it is a criminal offence to sexually harass someone there is no law that clearly defines what sexual harassment is at a work place. Most women are often hesitant to air views on such problems. In addition, there is no convenient procedure to handle these cases.

The percentage of women in trade unions is lower than that of men, because the latter are the majority in the labour market. However, there is a positive change in the

representation of women in the trade unions. This is attributed to increased awareness of women in trade unions and their accruing benefits.

On the other hand, positive discrimination in the union hierarchies in favour of women exists. There are special posts which are filled by women so that it is not only men who have a say on matters concerning their plight.

There is no discrimination concerning retirement age for men and women; for both it is 60 years if they are government civil servants. The draft private bill intends to bring it down to 55 years. For government civil servants, retirement benefits can only be obtained after serving for a minimum period of 10 years.

GENDER DIVISION OF WORK

Women are responsible for producing 80% of Uganda's food and they provide about 70% of the total agricultural labour force. Women are mainly limited to the unpaid subsistence sector, working with no technological or financial support.

Within the household, women are the ones responsible for household management, child rearing, food preparation, care for the sick and elderly, family health and social welfare. Survey data further stresses the asymmetry of male/female obligations within the home as it shows that women/girls carry out the greater share of domestic chores (Table 9).

Table 9 Gender division of domestic work in selected districts

Village	District	Working hours		Leisure/sleeping hours	
		W	M	W	M
Budondo	Jinja	16	5	8	19
Gogonyo	Pallisa	14.5	4	9.5	20
Mutojo	Bushenyi	18	12.5	6	7.5
Rubaga-Kabusu	Kampala	18	15	6	9

Source: MGLSD Gender Bulletin Vol. 6 No. 3, 1997

The data above shows the accented asymmetry of "women's work" and "men's work" within the household. This implies competing claims on limited time for each of the chores. Women's time and flexibility is hence more constrained than that of men. The data indicate that Ugandan women work more than their male counterparts.

In the economic field, men control the cash-based crops while the women remain in the non-monetized subsistence sector (growing the food crop). It follows, therefore, that within the existing division of labour in Uganda, the differences between men and women in access to money, creates gender inequities. A man who is in paid

employment is highly regarded even if he cannot feed his family, whereas a woman who is merely a subsistence producer is undervalued even if she feeds her family.

This asymmetry in the division of labour and control of its fruits has far reaching repercussions for women. In future, any law reform, development strategy or formulation has to take measures to address this culturally based gender inequity in the division of work. This is where participation of the MGLSD and all other stakeholders will go a long way in changing attitudes of men and women about work.

DOMESTIC LABOUR

The Government does not regulate or protect domestic workers. Domestic work is not covered under labour codes or social security provisions. Domestic workers therefore have no recourse to justice or legal protection.

ARTICLE 12

EQUALITY AND ACCESS TO APPROPRIATE HEALTH CARE

The situation has changed since the *Initial and Second Report*. There is a National Health Policy and a Health Sector Investment Plan which aim at preventive health care with emphasis on community based interventions in health promotion, disease control, sanitation, simple curative and rehabilitative health care, and HIV/AIDS prevention.

As mentioned earlier, the Ministry of Health is among those targeted by the MGLSD for the gender sensitization and main-streaming exercise. This process is still ongoing.

THE HEALTH POLICY FOR UGANDA

The overall goal of the health sector is to accelerate the attainment of a good standard of health by all Ugandans, thereby ensuring a healthy and productive life. This will be achieved through implementation of the following principles:

- Primary health care (PHC) remains the basic philosophy and strategy for national health development;
- Equitable distribution of health resources shall be assured throughout the country, so as to provide all sections of the population effective access to the national essential health care package;

- Provision of easy access to basic health care for all citizens according to need, regardless of their socio-economic situation; with adequate mechanisms and provisions to protect the poor, the most vulnerable and disadvantaged;
- Good quality health care shall be assured through appropriate interventions to address common health problems of the population, with an optimal mix of appropriate health technology and trained human resources that are both affordable and sustainable;
- A high level of efficiency, responsiveness and accountability shall be maintained in the development and management of the national health system, ensuring cost effectiveness and consistency with the national health policy, standards and guidelines;
- Health promotion, disease prevention, and the empowerment of individuals for a more active role in health development, based on the cardinal principles of PHC, shall be given greater attention and support;
- Development of closer co-ordination/integration with the public and independent voluntary providers (religious, private and NGO components) of the unified national health system, while safeguarding the identity of each;
- Health is an integral component of overall development. Accordingly, inter sectoral co-operation and co-ordination between the different health related ministries, development agencies, and other relevant institutions shall be strengthened for solidarity in health development;
- Achievement of a gender sensitive and responsive national health system through the main-streaming of gender considerations in planning and implementation of all health programmes.

The establishment of the health sub districts and implementation of the essential health package throughout the country, shall be the over-riding priority for the first phase of implementation of the policy.

HEALTH FOR ALL BY THE YEAR 2001

These are the Government's strategies to achieve the principles:

- Equitable delivery of health services;
- Accessibility to health services;
- Appropriate and good quality health services;
- Ethics and productivity;
- Efficiency in the health care delivery and improved management;
- Community empowerment to enable them to effectively take responsibility for their own health and well-being;
- Improved health financing and development of sustainable financing mechanisms;
- Adequate and sustainable financing of health care.

ACCESS TO HEALTH SERVICES

Although the health care budget has increased in recent years, (accounting for 10.2% of the Government's total share to social services *) the health services in the country are still inadequate both in quality and quantity to meet the serious health problems. Improving the nation's health care system is now a national priority.

Women are less able than men to use health services, even when these are available. Although the actual costs (including fees, drugs, transport and under the table charges) affect everyone, women have less access to money than men. Lack of money for transport is often the reason why women do not seek health services or do not go for further treatment. In addition, women weigh the opportunity costs of time between performing their multiple roles and seeking health services. The reproductive value of women's time is overlooked and is increasingly being eroded because of their gender role as "care givers."

LIFE EXPECTANCY/MORTALITY RATES

Information on levels and patterns of adult mortality is not sufficient but the recent 1995 Uganda Demographic and Health Survey (UDHS) provides some information on adult mortality as shown below:

Table 10 Deaths per 1000 population by age group

Age	Male	Female
15-19	3	4
20-24	5	7
25-29	11	8
30-34	15	11
35-39	13	10
40-44	18	10
45-49	19	15

Source: UDHS, 1995.

The results show that male mortality is greater than female mortality. Recent studies show that the level of infant mortality in Uganda is deceasing although the girls' levels are still high. Causes of infant mortality rates have been identified mostly as early marriages that lead to complications during pregnancy and delivery. Another cause identified is AIDS and malaria, which contribute the highest percentage of infant mortality and morbidity in Uganda.

* Human Development Report, 1997

TOTAL FERTILITY RATE

Today the current Total Fertility Rate (TFR) of 6.9 children per woman during her reproductive years, is high even though the Contraceptive Prevalence Rate (CPR) has risen from 5 to 15%. This reflects high values Ugandans attach to their children. Urban women with a TFR of five births per woman have smaller families than rural women.

Table 11 Total fertility rate by level of education

Education	1988/89	1995
No education	7.1	7.0
Primary	7.3	7.1
Secondary	5.3	5.1

Source: UDHS, 1988/89 and UDHS, 1995.

Child bearing in Uganda begins early. Two out of five teenagers (15-19 years) have begun childbearing. By the time they reach 19, 70% have begun, which ranks Uganda as one of the countries with the highest teenage pregnancy rates in sub-Saharan Africa.

There are other areas of concern regarding women's health which need attention. Some women, for example, become ill during the first days of their menstrual periods and may not be able to work. Men are more pronatalist than women, for example among those with six or more children, 24% of married women want to have more children, compared to 57% of married men.

ANTENATAL CARE, SAFE MOTHERHOOD AND FAMILY PLANNING

Although the use of antenatal care services in Uganda is high (91% received it from trained personnel) professional assistance at delivery is less common. Two out of three births in Uganda take place at home and less than 40% are assisted by medically trained personnel. (See Table 12.)

Table 12 Antenatal and delivery care

Antenatal care	Percentage
Doctor	10
Nurse / Midwife	82
No one	8
Place of delivery	
Health facility	35
Home	64
Delivery assistance	
Doctor	4
Nurse / Midwife	34
TBA	15
Relative / other	35
No one	12

Source: UDHS, 1995.

In general, women's gender based health problems and needs are not given high priority apart from the traditional maternal and child health approach.

There are, however, a number of successful initiatives in Uganda. The Safe Motherhood Initiative, which has been operating since 1988 on the periphery, as an NGO activity, has been brought into the main-stream of MoH activities. It is a community based intervention that aims at mobilizing the community to increase awareness of safe motherhood practices including family planning. Among its significant achievements is the training of male counsellors, which has shown that men's attitude towards family planning is slowly changing. A pregnancy monitoring system with 528 Safe Motherhood Assistants has also been established.

The Programme for Enhancing Adolescent Reproductive Life (PEARL) targets both female and male adolescents. Its focus is access to reproductive health services for adolescents, peer training and counselling in matters of reproductive health. The Rescuer Programme Initiative in Iganga district trains community based Birth Attendants and offers referral services. This assists women in antenatal care and delivery services.

HIV/AIDS

The data collected from the AIDS Control Programme, from antenatal attendees, from different sites/locations shows that the proportion of women with HIV infection is still high (Table 13).

Table 13 HIV infection rates (percent) among antenatal clinic attendees

Site	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Nsambya	24.5	25.0	27.8	29.5	26.6	21.8	16.8	15.4	14.6	13.4
Rubaga	-	-	27.4	29.4	24.4	16.5	20.2	15.1	14.8	14.2
Mbarara	21.8	23.8	24.3	30.2	18.1	17.3	16.6	15.0	14.5	10.9
Jinja	24.9	15.8	22.0	19.8	16.7	16.3	13.2	14.8	11.0	10.5
Tororo	-	4.1	12.8	13.2	11.3	10.2	12.5	8.2	9.5	10.5
Mbale	3.8	11.0	12.1	14.8	8.7	10.2	7.8	8.4	6.9	6.3
Kilembe	-	-	-	-	7.0	16.7	11.1	10.4	8.5	-
Pallisa	-	-	-	7.6	5.0	1.2	-	-	3.2	2.6
Soroti	-	-	-	-	9.1	-	8.7	7.7	5.3	7.7
Matany	-	-	-	-	2.8	7.6	-	2.0	1.6	1.3
Hoima	-	-	-	-	-	-	-	12.7	9.0	5.4
Kagadi	-	-	-	-	-	-	-	-	10.3	11.5
Mutolere	-	4.1	5.8	-	4.2	-	3.6	2.6	-	2.5
Moyo	-	-	-	-	-	-	-	-	-	3.2

Source: HIV/AIDS Surveillance Report, March, 1999.

However, from 1989 to 1998, the number of women infected with HIV has reduced. For example Nsambya Hospital recorded a drop from 24.5 to 13.4% and Jinja recorded a drop from 24.9 to 10.5% for the same period.

Table 14 HIV infection rates (percent) STD clinic, Mulago Hospital

Year	Males	Females	Overall
1990	39.0	51.3	44.6
1991	38.8	52.8	44.2
1995	33.9	38.5	35.9

Source: STD/AIDS Control Programme, MoH.

Information collected from the STD clinic at Mulago, the country's major hospital, shows that females have higher infection rates than males (Table 14). The dangers that young girls and women face are of specific importance in a country which is experiencing serious health problems like AIDS and other sexually transmitted diseases.

The higher rates may be due to more women seeking medical attention than men. Some of the reasons that could explain this could be lack of decision making on reproductive rights, cultural pressures for love of children, and widow inheritance.

VIOLENCE AGAINST WOMEN AND CULTURAL PRACTICES

There are negative cultural practices in Uganda which violate women's rights and impair their physical and mental health. Female circumcision or genital mutilation is one such practice but it is not widespread. This practice is among the Sebei (Kupsabiny) community in the southern slopes of Mt. Elgon in eastern Uganda (Kapchorwa district).

The practice has been on going for a very long time. The custom involves the removal of parts of or the whole external genitalia. This brings several health problems to the victim, including pain, haemorrhages, shock, delayed wound healing, prolonged and abstracted labour, difficulties and pain in sexual intercourse and depression and frustration in later life. Women who have already become victims may become stigmatized and may not seek timely medical treatment and advice when in labour or when sick.

Article 33(6) of the Constitution states that:

"Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women, or which undermine their status, are prohibited by this Constitution."

However, what remains to be done is to translate these constitutional provisions into laws. At present, the Government has put in place programmes to sensitize people on cultural practices which affect women's health status, for example the practice of female genital mutilation. In January 1996, the Government of Uganda / UNFPA country programme, with the collaboration of the Sabiny Elders Association embarked on the Reproductive, Educative and Community Health (REACH) programme in Kapchorwa district to discard the harmful practice of female circumcision. Broadly, it emphasizes an innovative approach to enhancing good cultural values and discarding harmful ones.

Table 15 Female genital mutilation in Kapchorwa district

Year of circumcision	No. of females circumcised	Percentage drop in no. circumcised
1992	903	7
1994	854	5
1996	544	36

Source : REACH Programme, Kapchorwa, December 1996

The REACH programme has made a breakthrough, compared to the previous efforts to stop the practice of female circumcision in Kapchorwa. Table 15 above shows that between 1994 and 1996, the number of girls circumcised reduced by 36%. A lot of sensitization and training workshops for the target group have been organized and part of the success of this programme can be attributed to the involvement of women and the adoption of a culturally sensitive approach.

FAMILY PLANNING

The Government, through the MoH, has evolved a policy of providing informal family planning education to the communities through various programmes. The Family Planning Association of Uganda has a policy of ensuring that all Ugandans get equal access to family planning services. This has been achieved by ensuring that all clinics and hospitals provide for family planning. This has been extended to people throughout the country through all medical and clinical centres, and sensitization of communities.

ARTICLE 13

ECONOMIC AND SOCIAL BENEFITS

FAMILY BENEFITS

The Constitution includes provisions for non-discriminative entitlement to economic, social and cultural benefits for all citizens of Uganda. Under the National Objectives and Directive Principles of State Policy, Objective XIV on social and economic objectives states that:

"The State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall in particular, ensure that:

a) All developmental efforts are directed at ensuring social and cultural well-being of people;

b) All Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits."

To mention "all Ugandans" basically opens the door for women to claim equal social and economic benefits at their place of work. In terms of housing, travel or any other allowances, these are given according to position, qualification and terms of service, irrespective of sex. The same goes for pension or retirement benefits.

In terms of childcare, the Children Statute (1996) makes both parents responsible for the financial and material support of the child. Therefore, all parents are liable to provide for the basic needs, and act in the best interests of the child. However, women are heavily constrained with the provision of these needs compared to the men. These rights include education, medical care, shelter, food, clothing, etc.

CREDIT

Regarding women's access to loans, mortgages and other forms of financial credit, the situation remains largely unfavourable. Commercial institutions insist on the deposit of a title deed before approving a loan. Yet only 7% of women own land (The National Policy, Republic of Uganda, MGLSD, 1995, p.3). As a result, few women in Uganda can procure loans from financial institutions.

Efforts have been made to access credit to women through non-traditional financial institutions. The creation of NGOs like the UWFT and the National Strategy for the Advancement of Rural Women in Uganda (NSARWU) was inspired by the wish to promote women's economic empowerment. These NGOs together with others are trying to uplift the quality of life of women, especially in the informal sector. The MGLSD itself has set the pace for sensitizing society to the fact that women are credit worthy. Credit projects like the Legal/Credit Project in Mbale/Kapchorwa is one example. Many micro-finance institutions based on the Grameen Bank model have sprung up, all targeting women. These include FINCA and Pride Africa, among others. The Government is in process of formulating a legal framework to protect women from exploitation by these institutions. Furthermore, the Government operates credit schemes that reserve a quota for women.

In accordance with the Government's policy of poverty eradication, the "Entandikwa Credit Scheme" was introduced (this is a start up capital fund targeting the poor people, to improve their economic status) which stipulates that 30% is allocated to women and youth. However, the 1994/95 analysis shows that within the 24 districts participating in the scheme, women beneficiaries were very few, as shown in table 16. From this table, one can observe that it is in only two districts (Kampala and Bushenyi) that more than 40% of the beneficiaries are women. In all the other districts, less women have gained access to this line of "seed capital", which can serve as an entry point to breaking the vicious circle of poverty, particularly in the low income rural and peri-urban areas.

Table 16 Entandikwa scheme total number of beneficiaries by sex, social group and age for financial year 1994/95

District	W	%	M	%	Youth	%	Disabled	%	Total
Kampala	296	48.8	143	23.6	165	27.2	3	0.5	607
Bushenyi	419	42.1	264	26.5	282	28.3	31	3.1	996
Kalangala	108	39.1	96	34.8	72	26.1	0	0	276
Gulu	207	36.3	256	44.9	102	17.9	5	0.9	570
Mpigi	372	34.9	428	40.1	265	24.8	2	0.2	1067
Kumi	125	31.9	173	44.1	94	24.0	1	0.3	392
Kibaale	121	31.7	177	46.3	88	23.0	0	0	382
Soroti	471	30.8	604	39.5	454	29.7	0	0	1529
Mubende	190	30.3	306	48.7	118	18.8	14	2.2	628
Rakai	127	27.7	169	36.9	162	35.4	0	0	458
Luwero	115	27.6	170	40.9	124	29.8	7	1.7	416
Kabarole	176	27.5	269	42.0	192	30.0	4	0.6	641
Masaka	358	26.1	562	41.0	450	32.8	0	0	370
Kisoro	61	26.0	101	43.0	73	31.1	0	0	235
Masindi	135	25.4	172	32.3	255	42.3	0	0	532
Kapchorwa	182	24.4	369	49.4	196	26.2	0	0	747
Ntungamo	183	24.2	173	22.9	399	52.8	0	0	755
Kamuli	202	23.7	268	31.4	373	43.7	10	1.2	853
Bundibugyo	163	22.3	271	37.1	296	40.5	1	0.1	731
Hoima	66	21.2	97	37.1	148	47.6	0	0	311
Kabale	197	20.9	298	31.2	434	46.0	15	1.6	944
Nebbi	130	20.5	319	31.6	185	29.2	0	0	634
Moyo	164	16.9	453	50.3	293	30.3	0	0	968
Kitgum	84	15.4	197	36.1	264	48.4	0	0	545

Source: Entandikwa Secretariat (1994/95) MGLSD

The Poverty Alleviation Project (PAP) is another scheme under the office of the Prime Minister, set up to assist in the reduction of poverty by supporting income and employment generating activities to be undertaken by the poor. It is mainly focused on women (especially widows) youth, disabled persons, demobilized soldiers, retrenched civil servants and orphans in Uganda.

The credit project valued at US $ 16 million has so far been operational in 28 of the 45 districts of Uganda for two and a half years. It has already disbursed a little over US $ 8 million. According to the project design, 60% of the resources under this scheme were supposed to be accessed by women. Even in the districts where significant levels of access by women were recorded, like Kabale (55%), this is still short of the project goals by 5%. Overall, so far, 52% has been accessed by men, compared to 48% by women. This shows a persisting gender gap.

In addition, in 1997/98, the Government initiated a Youth Enterprise Scheme (YES) targeting unemployed graduates from university and other institutions. Four hundred million Uganda Shillings have been allocated for this scheme, to facilitate self employment. The training process involves formal (practical orientation training) and apprenticeship in the relevant business ventures.

There is no state legislation that positively discriminates for women in the existing credit schemes, although cultural gender relations still present a major obstacle to women's access to loans. In eastern and parts of central Uganda (Rakai and Luwero) PAP officials reported that women were not allowed access to manage their loans. Instead money is taken over by their spouses. Even where they do get access, some have not been able to manage their loans because of their low literacy levels, resulting in dependence on male relatives. In most cases, these relatives end up misappropriating the funds, causing default on the loan repayment.

RECREATIONAL AND SPORTING FACILITIES

The Ministry of Education and Sports (MoES) is the government machinery responsible for sports and recreational activities. As stipulated in the Constitution, it has the national mandate and budget that ensures that:

"The State shall promote recreation and sports for the citizens of Uganda."

At present, the MoES organizes annual national sports, music and drama competitions. Indigenous artists' associations have been organizing national drama and music competitions for rural groups that bring together youths out of school. UNICEF has also assisted in supporting drama competitions on selected themes such as AIDS. A lot of mobilization efforts by the Government have used drama groups to sensitize people about AIDS and other developmental activities. Makerere University announced in 1997 that it is effecting a new policy to promote sportsmen and women who have successfully completed their secondary school education. Each national sports woman or man who qualifies to apply for admission to the University will be given an extra four points to allow him or her to take a professional course. This is an affirmative action that will enhance the intake of national sportsmen and women at university level.

The law in Uganda does not bar anybody from participating in sports, recreational or cultural activities. In practice however, cultural inhibitions still limit girls' participation and their enjoyment of recreational and sporting activities. In male-dominated and patriarchal oriented Uganda we frequently notice that, for instance after school, boys are given more leisure time and space for playing while girls are sent to do domestic chores.

Apart from the limitations that are linked to the girls' upbringing, there are sports which are still regarded as "male" such as bicycle riding, playing in rural water ponds, climbing fruit trees and the recently introduced electronic games. Girls, however, usually participate in very limited recreational activities in society, such as cooking and baby care games. These are supposed to model them for future female gender roles. The present situation does not give equal opportunity to girls in relation to access to recreational activities and yet this is provided for under the Children Statute (1996).

ARTICLE 14

RURAL WOMEN

Women form one third of all LCs from village, district, up to the national level. This enables them to participate in the formulation and implementation of development programmes. Rural women contribute a lot to decision making. Throughout the LC system a third of the persons in decision making at the local levels are women. At household level, women's role in decision making is still low mainly due to the patriarchal society. Although there is lack of sufficient data at household level, very few women can affirm that they are the decision-makers, despite measures put in place to empower them.

WOMEN COUNCILS AND DECISION MAKING

The Government has established a National Women's Council through the National Women's Council Statute, 1993. This is a six tier structure from village to national level. The objective is to mobilize women to participate in activities that are of benefit to them, including education on their rights. Government has allocated funds to the Women Councils to establish secretariats at national and district levels. District level leaders are facilitated with transport to assist in mobilization. The Women's Councils have provided exposure for women to gain self confidence and leadership skills. This enables them to participate in main-stream politics and decision making.

LEGAL RIGHTS

The MGLSD organizes and co-ordinates annual celebrations for the commemoration of National Women's Day at national and lower levels, when women's issues are raised and women at grassroots level are made aware of their rights.

Under the WID/DAN Constituent Assembly Project, women were sensitized before the election of delegates to the Constituent Assembly. This was to enable the women at the grassroots level to articulate to the candidates and ultimately to the delegates, their concerns and expectations, in order that these could be a feature of the Constitution.

In order to increase awareness of women's legal rights a number of NGOs have participated in increasing women's legal literacy through publication of simplified legal literature, and organizing legal education workshops.

The MGLSD has established a pilot-based paralegal project in Kamuli district. The programme conducts community or school educational activities in groups, using role-plays and other methods, mainly to elicit interest and provoke discussion. Women have benefited in two ways: firstly, two thirds of the paralegals are women, and secondly, these paralegals have helped women access legal services within the locality and at far less cost than the formal courts.

The UHRC has specific provisions concerning women. One of its major functions is to popularize the Constitution at national and lower levels and hence educate grassroots women on their rights. It also investigates complaints and provides immediate redress.

AGRICULTURE

Women form 70-80% of the agricultural labour force and contribute over 80% of the food production. Unfortunately, ownership of agricultural production resources is male dominated. Although 97% of the women have access to land, only 8% have leaseholds and 7% actually own land. This, therefore, implies that women do not take decisions on allocation of various resources.

With the coming into force of the Land Act, rural women's rights to the land have been strengthened; they not only have access to land but also control and ownership. This will make it possible for the women to get into commercial production and, therefore, be more independent. However, inspite of the provisions under the new Land Act, cultural practices may continue to bar women from ownership, management and control of land.

The usual division of growing crops is that men control cash crops and women control food crops. Lower literacy levels further hinder rural women's access to the available appropriate technologies in food processing. As a consequence they cannot produce to their optimum capacity and afford a surplus for sale. At household level, the decision making is usually done by the person who controls the resources. Since the majority of men control the resources, they also control the benefits. Similarly, since the majority of men own the land, they control these benefits also. They can and may end up using the funds for other purposes that may not be beneficial to the household.

The Agricultural Extension Programme of the Ministry of Agriculture, Animal Industry and Fisheries has targeted rural women by mobilizing and organizing them for purposes of receiving training in all aspects of agricultural production, fish farming and record keeping. This training has been accompanied by supply of production inputs like the heifer project credit provision and animal draught power.

Non-Governmental Organizations like NSARWU, Uganda National Farmers Association (UNFA) and others which are religious based, work with rural women to sensitize and help them to set up projects for income generation. For example, NSARWU has involved rural women in cattle and rabbit keeping, modern methods of farming and proper feeding and nutrition.

MICRO-FINANCE

Micro-finance institutions such as UWFT were established to improve the economic empowerment of low and middle class women through the delivery of an integrated package of services including awareness creation, savings mobilization and credit accessibility. Women are trained on credit utilization and control, laws on inheritance, assessment of business earning opportunities and modern agriculture.

FAMILY PLANNING

Rural women have been encouraged by the MoH and the Family Planning Association of Uganda to make decisions on matters that may affect them. Women are encouraged to decide on the desired number of children or family size, to enable them to plan and bring up children well. Family planning programmes have trained Traditional Birth Attendants in communities.

COMMUNITY ACTIVITIES

Rural women participate in various community activities. They participate in local politics by electing their leaders and in the establishment of community projects such as building schools, churches and health centres. In their community clubs, they entertain visitors during various functions. At cultural ceremonies like weddings or burials or last funeral rites, they participate in cooking and serving food, fetching water, etc. Attending community meetings is usually the man's domain if it concerns politics, whereas if the meeting concerns social mobilization, women attend in strong numbers. Community activities have served as a base for the creation of revolving funds to purchase needed household items and mobilize labour.

ELECTRICITY

Uganda is endowed with a high potential for hydroelectric power but the majority of rural women have no access to this facility. According to the 1985 census, 5% of all rural households had access to electricity. By 1991 this figure had only risen to 7%. In November 1999, the Government put in place an Electricity Act whose objectives include rural electrification. The implementation of this Act may solve the problem of rural access to electricity.

WATER AND SANITATION

The Government has extended services related to water provision to rural areas. This has been accelerated through programmes like Water and Environmental Sanitation (WES) and Rural Water and Sanitation (RUWASA), where many bore holes, protected springs, wells, gravity water schemes, dams and valley tanks have been constructed and others repaired and rehabilitated. All districts in the country have accessed these facilities. Throughout the country, women form part of the water management

committees, and in some cases, women NGOs are contracted to make sanitation platforms. Women are also being trained and contracted as masons.

In rural areas, water coverage increased from the 40% in June 1998, to 47% in June 1999, as a result of the following: 909 new boreholes drilled and fitted with hand pumps; 157 boreholes rehabilitated; 210 shallow wells constructed; 908 springs protected; 250 rainwater tanks constructed and 18 gravity fed schemes constructed. There are over 15 schemes currently under construction. Thus about 680,00 people gained access to safe sources of water. Table 17 shows the main construction achievements for water supply and sanitation, and Table 18 shows the main achievements in sanitation latrines.

Table 17 Reported achievements-water supply

Year	Springs	Deep wells	Shallow wells	Gravity Flow Schemes		RWTs
				Schemes	Taps	
1995	1,241	243	373	30	296	177
1996	945	50	464	2	3	177
1997	443	75	111	6	10	104
1998	471	59	352	21	221	240
1999	-	-	16	-	-	-
Total	3,100	427	1,306	59	530	698

Source: Department of Water Development, 1999

Table 18 Reported achievements-sanitation latrines

Year	Institutional latrines		Household latrines		
	VIP	Sanplat	VIP	Sanplat	Local mats
1995	463	341	1,790	18,779	14,811
1996	321	340	2,042	9,485	12,856
1997	55	621	885	2,759	10,697
1998	275	879	849	2,663	7,325
Total	1,114	2,181	5,566	33,686	45,689

Source: Department of Water Development, 1999

ARTICLE 15

EQUALITY BEFORE THE LAW AND IN CIVIL MATTERS

The 1995 Constitution provides for equality between the sexes and for affirmative action in favour of women. This Constitution has given recognition to women as no other constitution has in the past. It is the basic law of the country, and is therefore very important for women because all other laws, customs and traditions that do not conform to its provisions are out-lawed. It advocates for gender equality, equal protection of the law and prohibits gender-based discrimination in all aspects of social, economic and political life. In this way the Constitution fulfils Uganda's commitment under CEDAW. (Refer to Articles 21 and 33 of the Constitution, as outlined in Article 8 of this report).

Article 40 (1) empowers Parliament to enact laws:

a) ***To provide for the right of persons to work under satisfactory, safe and healthy conditions;***
b) ***To ensure equal payment for equal work without discrimination;***
c) ***To ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.***

THE CONSTITUTION

Discrimination on the basis of gender is prohibited by the Constitution, as it recognizes the significant role women play in society. This statement is found in the National Objectives and Directive Principles of State Policy in the Constitution. This is a national manifesto which expresses the aspirations of Ugandans and what the Government can do to fulfil them. Although the Government may not be taken to court for not complying with these principles, it nevertheless forms an important chapter that guides all Ugandans, government bodies and agencies in interpreting the Constitution, formulating policies and taking action on constitutional matters. It also helps the public in measuring government commitment and accountability.

The Constitution specifies that the state shall ensure gender balance and fair representation of marginalized groups on all constitutional and other state bodies. Women being among the marginalized groups can rely on this provision to ensure that they are fairly represented on bodies such as the following:

- Electoral Commission.
- Equal Opportunities Commission,
- Uganda Human Rights Commission,
- National Planning Authority,
- Judicial Service Commission,
- Public Service Commission,
- Education Service Commission,
- Health Service Commission,
- Local government structures,
- Inspectorate of Government,
- Uganda Land Commission,
- Uganda Parliament.

OBSTACLES TO ATTAINMENT OF EQUAL RIGHTS FOR WOMEN

Although the Constitution guarantees equal rights to both men and women, religious, cultural and traditional practices still hinder women's equality. The provisions of the Constitution still have to be translated into laws that can be actively utilized to protect women and children against discriminatory practices, which are still prevalent. There are many laws which already exist which need to be amended to suit the constitutional provisions, in order for women to attain equal rights before the law. There has been some achievement with the Land Act and steps are being taken towards the Domestic Relations Bill. The process will take some time, so will its translation into changed attitudes and behaviour amongst the population. There are still many areas where women receive insufficient protection from the law.

There is a proposal to amend the law relating to sexual offences generally but to rape and defilement specifically. The Law Reform Commission is currently undertaking a study throughout the country to establish why the present law has not been effectively enforced to protect the women and children who fall victim of such crimes.

The right to equal protection under the law, the right to a fair hearing before an independent and impartial tribunal and the right to redress and appropriate remedies are all guaranteed under CEDAW and Articles 15, 21, 28 and 50 of the Constitution. These three principles of fundamental human rights are tied to legal enforcement. A close look at the administration of justice, particularly law enforcement, reveals that women in Uganda still experience gender discrimination and bias in courts and the whole justice delivery system. An analysis of selected cases involving female litigants and decided in Uganda law courts reveal the following:

- the law is gender neutral but its application and enforcement tends to be biased;
- the Ugandan legal regime discriminates against women and perpetuates women's subordinate position in society;
- the attitude of law enforcement officers and agencies, even where laws are non discriminatory, influences the application of the law by judicial officers, magistrates and judges as well as the police and prison service.

Despite the efforts to be impartial and objective, members of the judiciary are affected by societal-based prejudices and stereotypes with regard to property ownership, standards of proof in criminal cases especially relating to sexual offences or violation of the person such as rape, defilement and domestic violence. In such cases, judges will ignore available evidence, however substantive, to avoid conviction of a male offender, preferring to extend much higher standards of proof or insisting that victims use explicit language while testifying before court. Such language is usually alien and unfamiliar to victims who ultimately do not receive any justice. In divorce cases, the onus is on the wife seeking divorce to prove that she did not contribute or desire a break up of the marriage if she is to get any alimony or share of the marital property.*

* See Edward Mulindwa versus Sarah Kalanda, miscellaneous application no. 763 of 1996; Uganda versus Remijo Asuma, criminal sessions no.86/96; Uganda versus Apai Stephen, criminal session no. 23/94; Wakanyira versus Wakanyira, divorce case no.31 of 1995 (unreported); and Uganda versus Jovia Kyomuhangi, criminal session no. 349 of 1994 in Awori Taaka, *Gender Equity and Justice: A Gender Analysis of Locally Decided Cases.*

The MGLSD has embarked on gender sensitization training for members of the Judiciary, state attorneys and the police, to equip them with knowledge and sensitivity to appreciate the perspectives of women and the consequences of discrimination. *

THE EQUAL OPPORTUNITIES COMMISSION

The MGLSD has started a consultative process to establish an Equal Opportunities Commission. This is a constitutional body provided for under Article 32 of the Constitution. The body is supposed to address issues of discrimination affecting marginalized groups on the basis of gender, age, disability or any other reason created by history, tradition or custom.

PROPERTY OWNERSHIP

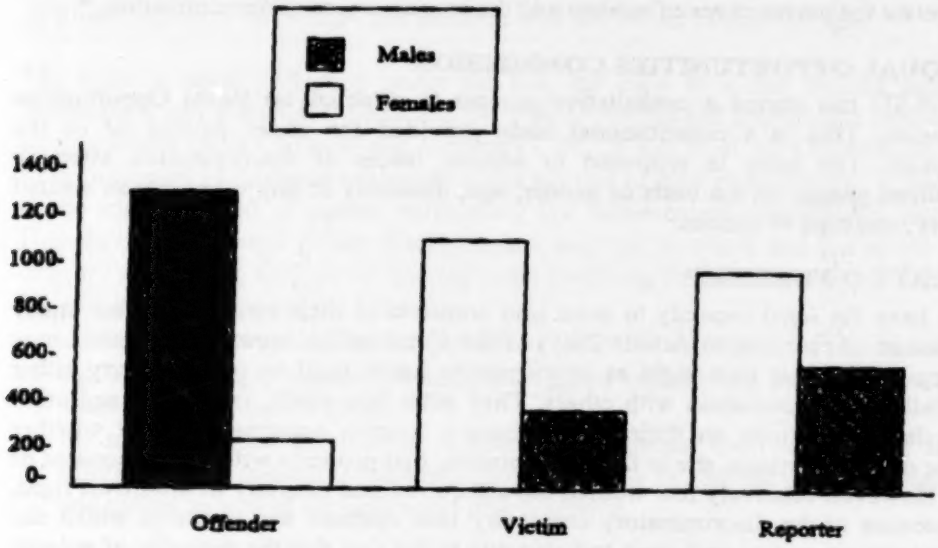
Women have the legal capacity to enter into contracts in their own names, and many have done so. According to Article 26(1) of the Constitution, women in Uganda may own property in their own right as every person has a right to own property either individually or in association with others. They enter into credit, real estate and other commercial transactions on their own. Where a woman acquires property whether before or during marriage, she is free to administer that property without the consent of a male. However, relatively few women have acquired real property in their own right, partly because of the discriminatory customary land systems and practices which did not encourage women to own land and also due to the fact that the majority of women are poor and generally do not have the money to buy their own property.

LEGAL AID ACTIVITIES

The MGLSD has successfully pioneered a paralegal training programme in one district to improve the delivery of legal services in rural areas. A review report of this programme has been produced and a number of cases have been handled by paralegals trained since 1992. Table 19 shows the frequency of cases in the eight sub-counties of Bugabula county, Kamuli district.

*See *Gender Equity and Justice: A Gender Analysis of Locally Decided Cases* by Awori Tsaka

Table 19 Frequency of cases in the eight sub-counties of Bugabula county, Kamuli district



Based on: MGLSD, Review of Legal Advice in Bugabula County, Kamuli District, 1992 - 1995.

From the statistics above it can be seen that there is a higher number of cases (64%) reported by women compared with men. There were more women victims than men (76%) while males were the highest offenders (86%).

The programme has eased the work of the police, local leaders and other law enforcement agencies. However, it should be noted that more females reported, more females were victims and more males were offenders.

It is important to note that cases of domestic violence are rarely reported and even when they are reported, many times no formal punishment is meted out to the offender. Cases are often dropped at the early stages of the hearing.

Research by the National Association of Women Judges (NAWJ) has revealed that women generally do not want to cause the imprisonment of their husbands even when wronged by them. Victims of violence perpetrated by spouses or *de facto* partners seek immediate action from law courts. The only remedies available to them under the

current law are to file for divorce or separation, which normally takes at least a year or more.

Booklets and manuals have been prepared by the MGLSD to simplify the law to the public. These efforts have been supplemented by NGOs such as FIDA, Uganda Gender Resource Centre (UGRC), ACFODE, Foundation for Human Rights Initiative (FHRI) and CONCERN World Wide, which have carried out legal education and sensitization as well as trained paralegals in other districts.

Legal aid and legal education activities have been carried out mainly by NGOs such as FIDA, LAP of the Uganda Law Society, ACFODE, FHRI, the Law Development Centre and UGRC. The provision of legal education has been done through workshops, seminars and the media. These NGOs have helped women solve their legal problems especially around issues pertaining to child support, property inheritance and child custody. There is however still a need for legal aid clinics in the areas outside the capital city. FIDA and LAP have a presence outside Kampala and FIDA conducts some mobile clinics which are extremely useful.

ARTICLE 16

EQUALITY IN MARRIAGE AND FAMILY LIFE

The situation reported in the *Initial and Second Report* has changed drastically since the coming into force of the 1995 Constitution.

THE LAW OF MARRIAGE

In compliance with this Article of the Convention, Article 31 of the Constitution:

1) ***gives both men and women of 18 years and above the right to get married, to start a family and be entitled to equal rights in marriage, during marriage and at its dissolution;***
2) ***provides for the protection of the rights of widows and widowers to inherit the property of their deceased spouses;***
3) ***provides for both men and women to enter marriage of their own free consent.***

The challenge remains to translate these constitutional provisions into domestic legislation on domestic relations. The Law Reform Commission has issued the initial draft of the Domestic Relations Bill, which seeks to consolidate all types of marriage in Uganda under one piece of legislation. The initial draft has met with a lot of resistance from various interest groups.

It follows therefore that in the laws of marriage, divorce or inheritance, there is no gender equity or fairness, to date. The woman is always in a subordinate position. This position is aggravated by the requirement in most marriages, that bride price be paid to the parents of the female so that the family and clan of the husband tend to take the woman as property.

Polygamous marriages are contracted under customary marriage and under Islamic laws. Customary marriages are potentially polygamous and there is no limit as to the number of wives a man can marry at any one time.

The situation on polygamous marriages has not changed from the previous report. However, the proposals in the Domestic Relations Bill to regulate the conditions for polygamy have met extreme resistance.

Many customary divorces, where they occur, do not go through the courts of law, so the woman gets out of marriage with practically nothing for herself. In many cases women are divorced for not producing boys or for adultery. According to Ugandan culture she is not even entitled to the children, as they are regarded as belonging to the man and his clan. A divorced woman is often denied the right of access to the children, mainly by the ex-husband or his relatives.

ADULTERY

A married woman commits adultery if she has sexual intercourse with any man other than her husband. Such an act on the wife's part entitles her husband to compensation from the man with whom she committed adultery. On the other hand, a man commits adultery only if he has sexual intercourse with a married woman, but not with a single woman. The husband in the case of an adulterous wife is said to be the "aggrieved party" whereas the wife of an adulterous husband is not. The fact that only an aggrieved husband can obtain compensation reduces a woman to the position of her husband's property and as such should be compensated for the damage occasioned to it.

CHOICE OF WORK

The number of women in formal employment is small. As of 1988, women constituted only 20% of the number of people in formal employment in Uganda. This is despite the fact that the labour laws in Uganda do not discriminate on the basis of sex. In practice, however, employers prefer men particularly for certain types of jobs. This is because women are prone to becoming pregnant and thus disrupting work by going on maternity leave. Certain jobs which demand a lot of strength like construction, operating heavy machines, mining and logging are almost exclusively reserved for men as women are considered the weaker sex. There are also very few women compared to men in the security forces for the same reason.

In both the public and private sectors women are employed in greater numbers in the lower echelons of the employment ladder and are twice as likely to be laid off as men. The ratio of men to women in policy making positions is still very big. The women are mostly concentrated in semi-professional and clerical jobs. The informal sector employs a number of women, especially in the marketing of food, clothes and handicrafts.

It can therefore be seen that women have on the whole less opportunities at the higher managerial and administrative levels. Jobs traditionally considered fit for women are nursing, sales, secretarial and other service jobs. Apart from the usual belief of male superiority and competence, which keeps women in low ranking jobs, there is the additional problem of women generally being less educated than men.

The rate of girls dropping out of school is much higher than that of boys, at all levels of education. Some of the causes are: lack of school fees, early marriages, pregnancies, cultural and traditional beliefs which tend to emphasize the domestic and procreation role of women, preference for boys over girls to remain in education when it comes to the choice of which child is to leave school, adult burdens taken up by girls at an early age and the general poverty resulting from economic decline. Women have limited control over family issues because they are disadvantaged economically.

BRIDE PRICE

Payment of bride price is recognized under the law of customary marriages (Registration Decree). This is a practice prevalent in most districts of Uganda involving payment in cash or property by the husband and his family to the bride's family. It is symbolic of friendship but in actual fact it is transfer of productive and reproductive services to the man's family. This practice undermines women's dignity and welfare and is prohibited by the Constitution according to Article 33 (b). Moreover, forcing a woman to live under an intolerable and hostile family environment subjects her to servitude and slave-like conditions.

MAINTENANCE

The Children Statute (1996) states that both parents of the child have a duty of providing all needs. A married woman is entitled to maintenance for herself and or her children under Sections 152, 153, and 215 of the Penal Code Act. Criminal sanctions may be imposed on a man if he fails or neglects or refuses to maintain his family. There is no similar sanction against a woman even if she was in a more superior financial position than her husband. Article 31(4) may be invoked to establish a much more gender-balanced law of maintenance. The present law further entitles a married woman to maintenance even after divorce or death of a husband. Thus, a married woman is entitled to 15 % of the estate of a deceased husband and the children to 75%. In a case of divorce, a woman is entitled to alimony from the husband (9% goes to dependants and 1% goes to the heir).

DIVORCE

According to the Divorce Act, Chapter 215, Laws of Uganda; both men and women can apply for divorce. However, grounds for seeking divorce differ for men and for women. A man can successfully seek divorce based on only one ground; adultery on the part of his wife. A woman on the other hand, can only obtain a divorce if she couples adultery with other grounds such as desertion for more than two years, cruelty, and marriage to another woman, limited or lack of maintenance, bestiality and rape. All these grounds are difficult to verify. The Domestic Relations Bill is expected to change these grounds. Divorce under customary law differs from tribe to tribe and under Sharia law which governs Islamic marriages, it is different again. What is common in all forms of divorce is that they discriminate against women and they accord differential treatment between women and men.

Since the Constitution recognizes the equality of men and women, the laws must have similar grounds for divorce for men and women. Several suggestions for law reform have been made and one of the recurring ones is the suggestion for a "no fault" based divorce. Thus any person would be able to apply for divorce giving reasons such as incompatibility which cannot be bridged, or irretrievable breakdown of marriage.

Furthermore, the Law Reform Commission in its recommendations introduces new and progressive gender based concepts regarding the welfare of the couple whose marriage has broken down. It recommends that there should be one uniform system of law regulating the dissolution of marital disputes for all forms of marriages, whether they are contracted customarily, under Islam or the civil marriage law and also:

- That a spouse may be ordered to maintain the other spouse if such has custody of the children, or to compensate a spouse who has contributed to family property and welfare, or to rehabilitate a spouse who forfeited career and personal development for the sake of the marriage.
- That there should be an equitable division of matrimonial property based on monetary and non-monetary contributions of spouse or on pre nuptial/post-nuptial agreements.
- Respect of personal property of a spouse on divorce or separation.
- That the requirement to fund of bride price be out-lawed and criminalized. Refund of bride price (wealth) has hitherto kept women in bad marriages.

INHERITANCE LAW

The situation on inheritance has not changed since the *Initial and Second Report*. The Domestic Relations Bill, once passed, shall change most of these issues. The Bill shall reduce the number of dependants as proposed in the definition of the matrimonial home and highlight issues on property. Today a legally married woman is entitled to 15% of the property of the deceased husband. A widower is equally entitled to 15% of a deceased wife's estate. In reality however, widowers usually take the whole estate of a deceased wife.

One of the most controversial gender issues in Uganda is inheritance. Under customary law, it is assumed that the welfare of the widow and children will be taken care of by the deceased's kin. In practice, this is usually not the case as widows and their children are dispossessed of the family's assets and usually forced to move back to the widow's parent's home, where she becomes dependent on her male relatives.

The law of intestate inheritance (when there is no will) provides that a widow (or widows if there are more than one) is entitled to only 15% of the value of the deceased's estates, and all the children, of both sexes and legitimate or otherwise, are entitled to 75%. The question arises as to whether the distribution is equitable in view of the new constitutional provisions that men and women have equal rights in marriage, during marriage and at its dissolution (Article 31 (1)).

A study of men's wills indicated that only 10% left their property to their wives in trust for their children, whereas 90% left the property to children, stipulating that the mother should be taken care of. Of the latter, only 40% divided property equally among female

and male children while 60% left property only to male children. Nonetheless, widows whose husbands have left written wills tend to be better protected than the vast majority of women. The Constitution guarantees the right to inheritance by the man and woman, children and dependants.

PROPERTY RIGHTS

The Constitution guarantees for everyone, a right to property. In a survey carried out by UNICEF in 1994, it was established that 7% of women own land in Uganda even though land is held under the customary tenure system that favours the passing of land through matrilineal lineage.

VIOLENCE AGAINST WOMEN

In simple terms, violence is the use of force and other ways of causing suffering and pain to a person or people. Violence against women manifests itself in different forms which include; armed violence, rape, incest, battery, slaughter, sexual harassment and other forms of sexual abuse of women, as well as psychological torture.

Social attitudes and norms contribute towards non-enforcement of the law. Thus women who are victims of domestic violence do not seek legal redress because it is taken to be a normal and socially acceptable "disciplining" of women. A wife who reports her husband to the Police for beating her may face social stigmatization for exposing her "family matters" to the public while husbands who commit bigamy are never prosecuted. At most, if not all, Police posts, the Government has established a "Family Protection Unit" at the national level, and a "Gender Desk" at the district Police Headquarters. These are expected to play a significant role in counteracting domestic violence.

The MGLSD has carried out gender sensitization of law enforcement agencies like magistrates, the Police, LCs, state attorneys and the Law Reform Commission. Community policing officers have been trained to monitor domestic violence cases.

Many women are willing to report these cases, for example a survey conducted around Kampala in 1994, involving in-depth interviews with 28 women revealed that domestic violence constitutes a serious problem in Uganda. During the interviews, some women reported that they were experiencing the following forms of violence:

Table 20 Prevalent forms of domestic violence, Kampala survey of 28 women, 1994

Form of domestic violence	No. of victims
Lack of maintenance	10
Destruction of property	6
Verbal assault	4
Forced sexual intercourse	8
Physical assault	9
Death threat	3
Extra marital relationships	5
Lack of consortium	3
Denial of custody of children	3
Forced continuous reproduction	3

Source: Stella Mukasa, Women and the Law of Domestic Violence in Uganda, Conference Paper, November, 1994.

Table 20 shows that lack of maintenance was the most frequent form of domestic violence. Physical assault, forced sexual intercourse and destruction of women's property were also other forms reported to be frequent. In many of the cases, the underlying consequence to the female victim is physical or psychological trauma. The majority of the women interviewed indicated that the final effect of this is usually poor health.

Media reports and various studies show that the extent of domestic violence especially against women and children, is overwhelming and the rate of crime is accelerating. Vast numbers of women in Uganda have been devastated by domestic violence. Unfortunately they appear to have no adequate or quick remedy. The present law does not address the problem specifically. Instead there are scattered and general provisions in the Penal Code to cover assaults and homicide which, when committed between spouses, are seen as domestic problems.

These offences are only considered when acute bodily harm has been caused. The law does not make adequate and effective civil remedies, which in the Ugandan context may be more appropriate in many circumstances. There is therefore, an urgent need for the Law Reform Commission to enact a progressive, gender specific, effective and practical domestic violence legislation.

The Law Reform Commission has undertaken a nation wide consultation for a proposed amendment to the laws of domestic relations, covering marriage, maintenance, child custody, property rights, divorce and inheritance. Hopefully their recommendations which will be submitted to Parliament proposing a new law, will embrace some of these concerns.

Government efforts to combat violence are supplemented by NGOs. In the area of violence against women, organizations such as FIDA, ACFODE, UGRC and more especially NAWJ have taken the leading role. So far the NAWJ has initiated a project to promote the enactment of a law on domestic violence. NAWJ has also gone ahead to have a draft bill on violence against women and some publications. They have prepared and distributed a domestic violence service book. This kind of collaborative work will enhance the Government's efforts in this area.

APPENDIX

NGOS AND GOVERNMENT INSTITUTIONS CONSULTED DURING PREPARATION OF THE CEDAW REPORT

Action for Development
Foundation for Human Rights Initiative
Human Rights Network
ISIS-Women's International Cross Cultural Exchange
Legal Aid Project of the Uganda Law Society
Ministry of Education and Sports
Ministry of Health
Ministry of Local Government
Ministry of Justice
Ministry of Gender, Labour and Social Development.
National Strategy for the Advancement of Rural Women in Uganda
Uganda Women Lawyers
United Nations Children's Fund
Uganda Gender Resource Centre
Uganda Human Rights Commission
Uganda Law Reform Commission
Uganda Women Finance Trust
Uganda Women's Effort to Save Orphans
Uganda Bureau of Statistics
Uganda Manufacturers Association
World Vision International - Uganda.

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